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MACAULAY'S
MISCELLANEOUS WRITINGS
SPEECHES AND POEMS

VOL. III.

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AND PARLIAMENT STREET

THE

MISCELLANEOUS WRITINGS

SPEECHES AND POEMS

OF

LORD MACAULAY

IN FOUR VOLUMES

VOL. III.

LONDON
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1880

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SPEECHES

Continued.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 6TH OF FEBRUARY, 1833.

On the twenty-ninth of January, 1833, the first Parliament elected under the Reform Act of 1832 met at Westminster. On the fifth of February, King William the Fourth made a speech from the throne, in which he expressed his hope that the Houses would entrust him with such powers as might be necessary for maintaining order in Ireland and for preserving and strengthening the union between that country and Great Britain. An address, assuring His Majesty of the concurrence and support of the Commons, was moved by Lord Ormelie and seconded by Mr. John Marshall. Mr. O'Connell opposed the Address, and moved, as an amendment, that the House should resolve itself into a Committee. After a discussion of four nights the amendment was rejected by 428 votes to 40. On the second night of the debate the following Speech was made.

LAST night, Sir, I thought that it would not be necessary for me to take any part in the present debate: but the appeal which has this evening been made to me by my honorable friend the Member for Lincoln [1] has forced me to rise. I will, however, postpone the few words which I have to say in defence of my own consistency, till I have expressed

[1] Mr. Edward Lytton Bulwer.

my opinion on the much more important subject which is before the House.

My honorable friend tells us that we are now called upon to make a choice between two modes of pacifying Ireland; that the Government recommends coercion; that the honorable and learned member for Dublin [1] recommends redress; and that it is our duty to try the effect of redress before we have recourse to coercion. The antithesis is framed with all the ingenuity which is characteristic of my honorable friend's style; but I cannot help thinking that, on this occasion, his ingenuity has imposed on himself, and that he has not sufficiently considered the meaning of the pointed phrase which he used with so much effect. Redress is no doubt a very well sounding word. What can be more reasonable than to ask for redress? What more unjust than to refuse redress? But my honorable friend will perceive, on reflection, that, though he and the honorable and learned Member for Dublin agree in pronouncing the word redress, they agree in nothing else. They utter the same sound; but they attach to it two diametrically opposite meanings. The honorable and learned Member for Dublin means by redress simply the Repeal of the Union. Now, to the Repeal of the Union my honorable friend the Member for Lincoln is decidedly adverse. When we get at his real meaning, we find that he is just as unwilling as we are to give the redress which the honorable and learned Member for Dublin demands. Only a small minority of the House will, I hope and believe, vote with that honorable and learned member; but the minority which thinks with him will be very much smaller.

We have, indeed, been told by some gentlemen, who are not themselves repealers, that the question of Repeal deserves a much more serious considera-

[1] Mr. O'Connell.

tion than it has yet received. Repeal, they say, is an object on which millions have, however unwisely, set their hearts: and men who speak in the name of millions are not to be coughed down or sneered down. That which a suffering nation regards, rightly or wrongly, as the sole cure for all its distempers, ought not to be treated with levity, but to be the subject of full and solemn debate. All this, Sir, is most true: but I am surprised that this lecture should have been read to us who sit on your right. It would, I apprehend, have been with more propriety addressed to a different quarter. Whose fault is it that we have not yet had, and that there is no prospect of our having, this full and solemn debate? Is it the fault of His Majesty's Ministers? Have not they framed the Speech which their Royal Master delivered from the throne, in such a manner as to invite the grave and searching discussion of the question of Repeal? And has not the invitation been declined? Is it not fresh in our recollection that the honorable and learned member for Dublin spoke two hours, perhaps three hours,—nobody keeps accurate account of time while he speaks,—but two or three hours without venturing to join issue with us on this subject? In truth, he suffered judgment to go against him by default. We, on this side of the House, did our best to provoke him to the conflict. We called on him to maintain here those doctrines which he had proclaimed elsewhere with so much vehemence, and, I am sorry to be forced to add, with a scurrility unworthy of his parts and eloquence. Never was a challenge more fairly given: but it was not accepted. The great champion of Repeal would not lift our glove. He shrank back; he skulked away; not, assuredly, from distrust of his powers, which have never been more vigorously exerted than in this debate, but evidently from distrust of his cause. I have seldom heard so able a

speech as his: I certainly never heard a speech so evasive. From the beginning to the end he studiously avoided saying a single word tending to raise a discussion about that Repeal which, in other places, he constantly affirms to be the sole panacea for all the evils by which his country is afflicted. Nor is this all. Yesterday night he placed on our order book not less than fourteen notices; and of those notices not a single one had any reference to the Union between Great Britain and Ireland. It is therefore evident to me, not only that the honorable and learned gentleman is not now prepared to debate the question in this House, but that he has no intention of debating it in this House at all. He keeps it, and prudently keeps it, for audiences of a very different kind. I am therefore, I repeat, surprised to hear the Government accused of avoiding the discussion of this subject. Why should we avoid a battle in which the bold and skilful captain of the enemy evidently knows that we must be victorious?

One gentleman, though not a repealer, has begged us not to declare ourselves decidedly adverse to repeal till we have studied the petitions which are coming in from Ireland. Really, Sir, this is not a subject on which any public man ought to be now making up his mind. My mind is made up. My reasons are such as, I am certain, no petition from Ireland will confute. Those reasons have long been ready to be produced; and, since we are accused of flinching, I will at once produce them. I am prepared to show that the Repeal of the Union would not remove the political and social evils which afflict Ireland, nay, that it would aggravate almost every one of those evils.

I understand, though I do not approve, the proceedings of poor Wolfe Tone and his confederates. They wished to make a complete separation between Great Britain and Ireland. They wished to establish

a Hibernian republic. Their plan was a very bad one; but, to do them justice, it was perfectly consistent; and an ingenious man might defend it by some plausible arguments. But that is not the plan of the honorable and learned Member for Dublin. He assures us that he wishes the connection between the islands to be perpetual. He is for a complete separation between the two Parliaments; but he is for indissoluble union between the two Crowns. Nor does the honorable and learned gentleman mean, by an union between the Crowns, such an union as exists between the Crown of this kingdom and the Crown of Hanover. For I need not say that, though the same person is king of Great Britain and of Hanover, there is no more political connection between Great Britain and Hanover than between Great Britain and Hesse or between Great Britain and Bavaria. Hanover may be at peace with a state with which Great Britain is at war. Nay, Hanover may, as a member of the Germanic body, send a contingent of troops to cross bayonets with the King's English footguards. This is not the relation in which the honorable and learned gentleman proposes that Great Britain and Ireland should stand to each other. His plan is, that each of the two countries shall have an independent legislature, but that both shall have the same executive government. Now, is it possible that a mind so acute and so well informed as his should not at once perceive that this plan involves an absurdity, a downright contradiction? Two independent legislatures! One executive government! How can the thing be? No doubt, if the legislative power were quite distinct from the executive power, England and Ireland might as easily have two legislatures as two Chancellors and two Courts of King's Bench. But though, in books written by theorists, the executive power and the legislative power may be treated as things quite

distinct, every man acquainted with the real working of our constitution knows that the two powers are most closely connected, nay, intermingled with each other. During several generations, the whole administration of affairs has been conducted in conformity with the sense of Parliament. About every exercise of the prerogative of the Crown it is the privilege of Parliament to offer advice; and that advice no wise king will ever slight. It is the prerogative of the Sovereign to choose his own servants; but it is impossible for him to maintain them in office unless Parliament will support them. It is the prerogative of the Sovereign to treat with other princes; but it is impossible for him to persist in any scheme of foreign policy which is disagreeable to Parliament. It is the prerogative of the Sovereign to make war; but he cannot raise a battalion or man a frigate without the help of Parliament. The repealers may therefore be refuted out of their own mouths. They say that Great Britain and Ireland ought to have one executive power. But the legislature has a most important share of the executive power. Therefore, by the confession of the repealers themselves, Great Britain and Ireland ought to have one legislature.

Consider for one moment in what a situation the executive government will be placed if you have two independent legislatures, and if those legislatures should differ, as all bodies which are independent of each other will sometimes differ. Suppose the case of a commercial treaty which is unpopular in England and popular in Ireland. The Irish Parliament expresses its approbation of the terms, and passes a vote of thanks to the negotiator. We at Westminster censure the terms and impeach the negotiator. Or are we to have two foreign offices, one in Downing Street and one in Dublin Castle? Is His Majesty to send to every court in Christendom two diplo-

matic agents, to thwart each other and to be spies upon each other? It is inconceivable but that, in a very few years, disputes such as can be terminated only by arms must arise between communities so absurdly united and so absurdly disunited. All history confirms this reasoning. Superficial observers have fancied that they had found cases on the other side. But as soon as you examine those cases you will see either that they bear no analogy to the case with which we have to deal, or that they corroborate my argument. The case of Ireland herself has been cited. Ireland, it has been said, had an independent legislature from 1782 to 1800: during eighteen years there were two coequal parliaments under one Crown; and yet there was no collision. Sir, the reason that there was not perpetual collision was, as we all know, that the Irish parliament, though nominally independent, was generally kept in real dependence by means of the foulest corruption that ever existed in any assembly. But it is not true that there was no collision. Before the Irish legislature had been six years independent, a collision did take place, a collision such as might well have produced a civil war. In the year 1788, George the Third was incapacitated by illness from discharging his regal functions. According to the constitution, the duty of making provision for the discharge of those functions devolved on the Parliaments of Great Britain and Ireland. Between the government of Great Britain and the government of Ireland there was, during the interregnum, no connection whatever. The sovereign who was the common head of both governments had virtually ceased to exist: and the two legislatures were no more to each other than this House and the Chamber of Deputies at Paris. What followed? The Parliament of Great Britain resolved to offer the regency to the Prince of Wales under many important restrictions. The Parliament

of Ireland made him an offer of the Regency without any restrictions whatever. By the same right by which the Irish Lords and Commons made that offer, they might, if Mr. Pitt's doctrine be the constitutional doctrine, as I believe it to be, have made the Duke of York or the Duke of Leinster Regent. To this Regent they might have given all the prerogatives of the King. Suppose,—no extravagant supposition,—that George the Third had not recovered, that the rest of his long life had been passed in seclusion, Great Britain and Ireland would then have been, during thirty-two years, as completely separated as Great Britain and Spain. There would have been nothing in common between the governments, neither executive power nor legislative power. It is plain, therefore, that a total separation between the two islands might, in the natural course of things, and without the smallest violation of the constitution on either side, be the effect of the arrangement recommended by the honorable and learned gentleman, who solemnly declares that he should consider such a separation as the greatest of calamities.

No doubt, Sir, in several continental kingdoms there have been two legislatures, and indeed more than two legislatures, under the same Crown. But the explanation is simple. Those legislatures were of no real weight in the government. Under Lewis the Fourteenth Brittany had its States; Burgundy had its States; and yet there was no collision between the States of Brittany and the States of Burgundy. But why? Because neither the States of Brittany nor the States of Burgundy imposed any real restraint on the arbitrary power of the monarch. So, in the dominions of the House of Hapsburg, there is the semblance of a legislature in Hungary and the semblance of a legislature in the Tyrol: but all the real power is with the Emperor. I do not say that you cannot have one executive power and two

mock parliaments, two parliaments which merely transact parish business, two parliaments which exercise no more influence on great affairs of state than the vestry of St. Pancras or the vestry of Marylebone. What I do say, and what common sense teaches, and what all history teaches, is this, that you cannot have one executive power and two real parliaments, two parliaments possessing such powers as the parliament of this country has possessed ever since the Revolution, two parliaments to the deliberate sense of which the Sovereign must conform. If they differ, how can he conform to the sense of both ? The thing is as plain as a proposition in Euclid.

It is impossible for me to believe that considerations so obvious and so important should not have occurred to the honorable and learned Member for Dublin. Doubtless they have occurred to him ; and therefore it is that he shrinks from arguing the question here. Nay, even when he harangues more credulous assemblies on this subject, he carefully avoids precise explanations ; and the hints which sometimes escape him are not easily to be reconciled with each other. On one occasion, if the newspapers are to be trusted, he declared that his object was to establish a federal union between Great Britain and Ireland. A local parliament, it seems, is to sit at Dublin, and to send deputies to an imperial parliament which is to sit at Westminster. The honorable and learned gentleman thinks, I suppose, that in this way he evades the difficulties which I have pointed out. But he deceives himself. If, indeed, his local legislature is to be subject to his imperial legislature, if his local legislature is to be merely what the Assembly of Antigua or Barbadoes is, or what the Irish Parliament was before 1782, the danger of collision is no doubt removed : but what, on the honorable and learned gentleman's own principles, would Ireland gain by such an arrange-

ment? If, on the other hand, his local legislature is to be for certain purposes independent, you have again the risk of collision. Suppose that a difference of opinion should arise between the Imperial Parliament and the Irish Parliament as to the limits of their powers, who is to decide between them? A dispute between the House of Commons and the House of Lords is bad enough. Yet in that case the Sovereign can, by a high exercise of his prerogative, produce harmony. He can send us back to our constituents; and, if that expedient fails, he can create more lords. When, in 1705, the dispute between the Houses about the Aylesbury men ran high, Queen Anne restored concord by dismissing the Parliament. Seven years later she put an end to another conflict between the Houses by making twelve peers in one day. But who is to arbitrate between two representative bodies chosen by different constituent bodies? Look at what is now passing in America. Of all federal constitutions that of the United States is the best. It was framed by a convention which contained many wise and experienced men, and over which Washington presided. Yet there is a debatable ground on the frontier which separates the functions of Congress from those of the state legislatures. A dispute as to the exact boundary has lately arisen. Neither party seems disposed to yield: and, if both persist, there can be no umpire but the sword.

For my part, Sir, I have no hesitation in saying that I should very greatly prefer the total separation which the honorable and learned gentleman professes to consider as a calamity, to the partial separation which he has taught his countrymen to regard as a blessing. If, on a fair trial, it be found that Great Britain and Ireland cannot exist happily together as parts of one empire, in God's name let them separate. I wish to see them joined as the

limbs of a well formed body are joined. In such a body the members assist each other: they are nourished by the same food: if one member suffer, all suffer with it: if one member rejoice, all rejoice with it. But I do not wish to see the countries united, like those wretched twins from Siam who were exhibited here a little while ago, by an unnatural ligament which made each the constant plague of the other, always in each other's way, more helpless than others because they had twice as many hands, slower than others because they had twice as many legs, sympathising with each other only in evil, not feeling each other's pleasures, not supported by each other's aliment, but tormented by each other's infirmities, and certain to perish miserably by each other's dissolution.

Ireland has undoubtedly just causes of complaint. We heard those causes recapitulated last night by the honorable and learned Member, who tells us that he represents not Dublin alone, but Ireland, and that he stands between his country and civil war. I do not deny that most of the grievances which he recounted exist, that they are serious, and that they ought to be remedied as far as it is in the power of legislation to remedy them. What I do deny is that they were caused by the Union, and that the Repeal of the Union would remove them. I listened attentively while the honorable and learned gentleman went through that long and melancholy list: and I am confident that he did not mention a single evil which was not a subject of bitter complaint while Ireland had a domestic parliament. Is it fair, is it reasonable in the honorable gentleman to impute to the Union evils which, as he knows better than any other man in this house, existed long before the Union? *Post hoc: ergo, propter hoc* is not always sound reasoning. But *ante hoc: ergo, non propter hoc* is unanswerable. The old

rustic who told Sir Thomas More that Tenterden steeple was the cause of Goodwin sands reasoned much better than the honorable and learned gentleman. For it was not till after Tenterden steeple was built that the frightful wrecks on the Goodwin sands were heard of. But the honorable and learned gentleman would make Goodwin sands the cause of Tenterden steeple. Some of the Irish grievances which he ascribes to the Union are not only older than the Union, but are not peculiarly Irish. They are common to England, Scotland, and Ireland; and it was in order to get rid of them that we, for the common benefit of England, Scotland, and Ireland, passed the Reform Bill last year. Other grievances which the honorable and learned gentlemen mentioned are doubtless local: but is there to be a local legislature wherever there is a local grievance? Wales has had local grievances. We all remember the complaints which were made a few years ago about the Welsh judicial system; but did any body therefore propose that Wales should have a distinct parliament? Cornwall has some local grievances; but does any body propose that Cornwall shall have its own House of Lords and its own House of Commons? Leeds has local grievances. The majority of my constituents distrust and dislike the municipal government to which they are subject; they therefore call loudly on us for corporation reform; but they do not ask us for a separate legislature. Of this I am quite sure, that every argument which has been urged for the purpose of showing that Great Britain and Ireland ought to have two distinct parliaments may be urged with far greater force for the purpose of showing that the north of Ireland and the south of Ireland ought to have two distinct parliaments. The House of Commons of the United Kingdom, it has been said, is chiefly elected by Protestants, and therefore cannot

be trusted to legislate for Catholic Ireland. If this be so, how can an Irish House of Commons, chiefly elected by Catholics, be trusted to legislate for Protestant Ulster? It is perfectly notorious that theological antipathies are stronger in Ireland than here. I appeal to the honorable and learned gentleman himself. He has often declared that it is impossible for a Roman Catholic, whether prosecutor or culprit, to obtain justice from a jury of Orangemen. It is indeed certain that, in blood, religion, language, habits, character, the population of some of the northern counties of Ireland has much more in common with the population of England and Scotland than with the population of Munster and Connaught. I defy the honorable and learned Member, therefore, to find a reason for having a parliament at Dublin which will not be just as good a reason for having another parliament at Londonderry.

Sir, in showing, as I think I have shown, the absurdity of this cry for Repeal, I have in a great measure vindicated myself from the charge of inconsistency which has been brought against me by my honorable friend the Member for Lincoln. It is very easy to bring a volume of Hansard to the House, to read a few sentences of a speech made in very different circumstances, and to say, "Last year you were for pacifying England by concession: this year you are for pacifying Ireland by coercion. How can you vindicate your consistency?" Surely my honorable friend cannot but know that nothing is easier than to write a theme for severity, for clemency, for order, for liberty, for a contemplative life, for an active life, and so on. It was a common exercise in the ancient schools of rhetoric to take an abstract question, and to harangue first on one side and then on the other. The question, Ought popular discontents to be quieted by concession or coercion? would have been a very good subject for oratory of

this kind. There is no lack of commonplaces on either side. But when we come to the real business of life, the value of these commonplaces depends entirely on the particular circumstances of the case which we are discussing. Nothing is easier than to write a treatise proving that it is lawful to resist extreme tyranny. Nothing is easier than to write a treatise setting forth the wickedness of wantonly bringing on a great society the miseries inseparable from revolution, the bloodshed, the spoliation, the anarchy. Both treatises may contain much that is true; but neither will enable us to decide whether a particular insurrection is or is not justifiable without a close examination of the facts. There is surely no inconsistency in speaking with respect of the memory of Lord Russell and with horror of the crime of Thistlewood; and, in my opinion, the conduct of Russell and the conduct of Thistlewood did not differ more widely than the cry for Parliamentary Reform and the cry for the Repeal of the Union. The Reform Bill I believe to be a blessing to the nation. Repeal I know to be a mere delusion. I know it to be impracticable: and I know that, if it were practicable, it would be pernicious to every part of the empire, and utterly ruinous to Ireland. Is it not then absurd to say that, because I wished last year to quiet the English people by giving them that which was beneficial to them, I am therefore bound in consistency to quiet the Irish people this year by giving them that which will be fatal to them? I utterly deny, too, that, in consenting to arm the government with extraordinary powers for the purpose of repressing disturbances in Ireland, I am guilty of the smallest inconsistency. On what occasion did I ever refuse to support any government in repressing disturbances? It is perfectly true that, in the debates on the Reform Bill, I imputed the tumults and outrages of 1830 to

misrule. But did I ever say that those tumults and outrages ought to be tolerated? I did attribute the Kentish riots, the Hampshire riots, the burning of corn stacks, the destruction of threshing machines, to the obstinacy with which the Ministers of the Crown had refused to listen to the demands of the people. But did I ever say that the rioters ought not to be imprisoned, that the incendiaries ought not to be hanged? I did ascribe the disorders of Nottingham and the fearful sacking of Bristol to the unwise rejection of the Reform Bill by the Lords. But did I ever say that such excesses as were committed at Nottingham and Bristol ought not to be put down, if necessary, by the sword?

I would act towards Ireland on the same principles on which I acted towards England. In Ireland, as in England, I would remove every just cause of complaint; and in Ireland, as in England, I would support the Government in preserving the public peace. What is there inconsistent in this? My honorable friend seems to think that no person who believes that disturbances have been caused by maladministration can consistently lend his help to put down those disturbances. If that be so, the honorable and learned Member for Dublin is quite as inconsistent as I am; indeed, much more so; for he thinks very much worse of the Government than I do; and yet he declares himself willing to assist the Government in quelling the tumults which, as he assures us, its own misconduct is likely to produce. He told us yesterday that our harsh policy might perhaps goad the unthinking populace of Ireland into insurrection; and he added that, if there should be an insurrection, he should, while execrating us as the authors of all the mischief, be found in our ranks, and should be ready to support us in everything that might be necessary for the restoration of order. As to this part of the subject, there is no difference in

principle between the honorable and learned gentleman and myself. In his opinion, it is probable that a time may soon come when vigorous coercion may be necessary, and when it may be the duty of every friend of Ireland to co-operate in the work of coercion. In my opinion, that time has already come. The grievances of Ireland are doubtless great, so great that I never would have connected myself with a Government which I did not believe to be intent on redressing those grievances. But am I, because the grievances of Ireland are great, and ought to be redressed, to abstain from redressing the worst grievance of all? Am I to look on quietly while the laws are insulted by a furious rabble, while houses are plundered and burned, while my peaceable fellow subjects are butchered? The distribution of Church property, you tell us, is unjust. Perhaps I agree with you. But what then? To what purpose is it to talk about the distribution of Church property, while no property is secure? Then you try to deter us from putting down robbery, arson and murder, by telling us that if we resort to coercion we shall raise a civil war. We are past that fear. Recollect that, in one county alone, there have been within a few weeks sixty murders or assaults with intent to murder, and six hundred burglaries. Since we parted last summer, the slaughter in Ireland has exceeded the slaughter of a pitched battle: the destruction of property has been as great as would have been caused by the storming of three or four towns. Civil war, indeed! I would rather live in the midst of any civil war that we have had in England during the last two hundred years than in some parts of Ireland at the present moment. Rather, much rather, would I have lived on the line of march of the Pretender's army in 1745 than in Tipperary now. It is idle to threaten us with civil war; for we have it already; and it is because we are resolved to put

an end to it that we are called base, and brutal, and bloody. Such are the epithets which the honorable and learned Member for Dublin thinks it becoming to pour forth against the party to which he owes every political privilege that he enjoys. He need not fear that any member of that party will be provoked into a conflict of scurrility. Use makes even sensitive minds callous to invective; and, copious as his vocabulary is, he will not easily find in it any foul name which has not been many times applied to those who sit around me, on account of the zeal and steadiness with which they supported the emancipation of the Roman Catholics. His reproaches are not more stinging than the reproaches which, in times not very remote, we endured unflinchingly in his cause. I can assure him that men who faced the cry of No Popery are not likely to be scared by the cry of Repeal. The time will come when history will do justice to the Whigs of England, and will faithfully relate how much they did and suffered for Ireland; how, for the sake of Ireland, they quitted office in 1807; how for the sake of Ireland, they remained out of office more than twenty years, braving the frowns of the Court, braving the hisses of the multitude, renouncing power, and patronage, and salaries, and peerages, and garters, and yet not obtaining in return even a little fleeting popularity. I see on the benches near me men who might, by uttering one word against Catholic Emancipation, nay, by merely abstaining from uttering a word in favour of Catholic Emancipation, have been returned to this house without difficulty or expense, and who, rather than wrong their Irish fellow subjects, were content to relinquish all the objects of their honorable ambition, and to retire into private life with conscience and fame untarnished. As to one eminent person, who seems to be regarded with especial malevolence by those who ought never to mention

his name without reverence and gratitude, I will say only this; that the loudest clamour which the honorable and learned gentleman can excite against Lord Grey will be trifling when compared with the clamour which Lord Grey withstood in order to place the honorable and learned gentleman where he now sits. Though a young member of the Whig party, I will venture to speak in the name of the whole body. I tell the honorable and learned gentleman, that the same spirit which sustained us in a just contest for him will sustain us in an equally just contest against him. Calumny, abuse, royal displeasure, popular fury, exclusion from office, exclusion from Parliament, we were ready to endure them all, rather than that he should be less than a British subject. We never will suffer him to be more.

I stand here, Sir, for the first time, as the representative of a new constituent body, one of the largest, most prosperous, and most enlightened towns in the kingdom. The electors of Leeds, believing that at this time the service of the people is not incompatible with the service of the Crown, have sent me to this house charged, in the language of His Majesty's writ, to do and consent, in their name and in their behalf, to such things as shall be proposed in the great Council of the nation. In the name, then, and on the behalf of my constituents, I give my full assent to that part of the Address wherein the House declares its resolution to maintain inviolate, by the help of God, the connection between Great Britain and Ireland, and to entrust to the Sovereign such powers as shall be necessary to secure property, to restore order, and to preserve the integrity of the empire.

A SPEECH

DELIVERED IN

A COMMITTEE OF THE WHOLE HOUSE OF COMMONS ON THE 17TH OF APRIL, 1833.

On the seventeenth of April, 1833, the House of Commons resolved itself into a Committee to consider of the civil disabilities of the Jews. Mr. Warburton took the chair. Mr. Robert Grant moved the following resolution:

> "That it is the opinion of this Committee that it is expedient to remove all civil disabilities at present existing with respect to His Majesty's subjects professing the Jewish religion, with the like exceptions as are provided with respect to His Majesty's subjects professing the Roman Catholic religion."

The resolution passed without a division, after a warm debate, in the course of which the following Speech was made.

MR. WARBURTON,

I RECOLLECT, and my honorable friend the Member for the University of Oxford will recollect, that, when this subject was discussed three years ago, it was remarked, by one whom we both loved and whom we both regret, that the strength of the case of the Jews was a serious inconvenience to their advocate, for that it was hardly possible to make a speech for them without wearying the audience by repeating truths which were universally admitted. If Sir

James Mackintosh felt this difficulty when the question was first brought forward in this House, I may well despair of being able now to offer any arguments which have a pretence to novelty.

My honorable friend, the Member for the University of Oxford, began his speech by declaring that he had no intention of calling in question the principles of religious liberty. He utterly disclaims persecution, that is to say, persecution as defined by himself. It would, in his opinion, be persecution to hang a Jew, or to flay him, or to draw his teeth, or to imprison him, or to fine him; for every man who conducts himself peaceably has a right to his life and his limbs, to his personal liberty and his property. But it is not persecution, says my honorable friend, to exclude any individual or any class from office; for nobody has a right to office: in every country official appointments must be subject to such regulations as the supreme authority may choose to make; nor can any such regulations be reasonably complained of by any member of the society as unjust. He who obtains an office obtains it, not as matter of right, but as matter of favour. He who does not obtain an office is not wronged; he is only in that situation in which the vast majority of every community must necessarily be. There are in the United Kingdom five and twenty million Christians without places; and, if they do not complain, why should five and twenty thousand Jews complain of being in the same case? In this way my honorable friend has convinced himself that, as it would be most absurd in him and me to say that we are wronged because we are not Secretaries of State, so it is most absurd in the Jews to say that they are wronged because they are, as a people, excluded from public employment.

Now, surely my honorable friend cannot have considered to what conclusions his reasoning leads.

Those conclusions are so monstrous that he would, I am certain, shrink from them. Does he really mean that it would not be wrong in the legislature to enact that no man should be a judge unless he weighed twelve stone, or that no man should sit in parliament unless he were six feet high? We are about to bring in a bill for the government of India. Suppose that we were to insert in that bill a clause providing that no graduate of the University of Oxford should be Governor-General or Governor of any Presidency, would not my honorable friend cry out against such a clause as most unjust to the learned body which he represents? And would he think himself sufficiently answered by being told, in his own words, that the appointment to office is a mere matter of favour, and that to exclude an individual or a class from office is no injury? Surely, on consideration, he must admit that official appointments ought not to be subject to regulations purely arbitrary, to regulations for which no reason can be given but mere caprice, and that those who would exclude any class from public employment are bound to show some special reason for the exclusion.

My honorable friend has appealed to us as Christians. Let me then ask him how he understands that great commandment which comprises the law and the prophets. Can we be said to do unto others as we would that they should do unto us if we wantonly inflict on them even the smallest pain? As Christians, surely we are bound to consider first, whether, by excluding the Jews from all public trust, we give them pain; and, secondly, whether it be necessary to give them that pain in order to avert some greater evil. That by excluding them from public trust we inflict pain on them my honorable friend will not dispute. As a Christian, therefore, he is bound to relieve them from that pain unless he can show, what I am sure he has not yet shown, that

it is necessary to the general good that they should continue to suffer.

But where, he says, are you to stop, if once you admit into the House of Commons people who deny the authority of the Gospels? Will you let in a Mussulman? Will you let in a Parsee? Will you let in a Hindoo, who worships a lump of stone with seven heads? I will answer my honorable friend's question by another. Where does he mean to stop? Is he ready to roast unbelievers at slow fires? If not, let him tell us why: and I will engage to prove that his reason is just as decisive against the intolerance which he thinks a duty as against the intolerance which he thinks a crime. Once admit that we are bound to inflict pain on a man because he is not of our religion; and where are you to stop? Why stop at the point fixed by my honorable friend rather than at the point fixed by the honorable Member for Oldham,[1] who would make the Jews incapable of holding land? And why stop at the point fixed by the honorable Member for Oldham rather than at the point which would have been fixed by a Spanish Inquisitor of the sixteenth century? When once you enter on a course of persecution, I defy you to find any reason for making a halt till you have reached the extreme point. When my honorable friend tells us that he will allow the Jews to possess property to any amount, but that he will not allow them to possess the smallest political power, he holds contradictory language. Property is power. The honorable Member for Oldham reasons better than my honorable friend. The honorable Member for Oldham sees very clearly that it is impossible to deprive a man of political power if you suffer him to be the proprietor of half a county, and therefore very consistently proposes to confiscate the landed estates of the Jews. But even the honourable Member for

[1] Mr. Cobbett.

Oldham does not go far enough. He has not proposed to confiscate the personal property of the Jews. Yet it is perfectly certain that any Jew who has a million may easily make himself very important in the state. By such steps we pass from official power to landed property, and from landed property to personal property, and from property to liberty, and from liberty to life. In truth those persecutors who use the rack and the stake have much to say for themselves. They are convinced that their end is good; and it must be admitted that they employ means which are not unlikely to attain the end. Religious dissent has repeatedly been put down by sanguinary persecution. In that way the Albigenses were put down. In that way Protestantism was suppressed in Spain and Italy, so that it has never since reared its head. But I defy any body to produce an instance in which disabilities such as we are now considering have produced any other effect than that of making the sufferers angry and obstinate. My honorable friend should either persecute to some purpose, or not persecute at all. He dislikes the word persecution, I know. He will not admit that the Jews are persecuted. And yet I am confident that he would rather be sent to the King's Bench Prison for three months, or be fined a hundred pounds, than be subject to the disabilities under which the Jews lie. How can he then say that to impose such disabilities is not persecution, and that to fine and imprison is persecution? All his reasoning consists in drawing arbitrary lines. What he does not wish to inflict he calls persecution. What he does wish to inflict he will not call persecution. What he takes from the Jews he calls political power. What he is too good-natured to take from the Jews he will not call political power. The Jew must not sit in Parliament: but he may be the proprietor of all the ten pound houses in a borough.

He may have more fifty pound tenants than any peer in the kingdom. He may give the voters treats to please their palates, and hire bands of gipsies to break their heads, as if he were a Christian and a Marquess. All the rest of this system is of a piece. The Jew may be a juryman, but not a judge. He may decide issues of fact, but not issues of law. He may give a hundred thousand pounds damages; but he may not in the most trivial case grant a new trial. He may rule the money market: he may influence the exchanges: he may be summoned to congresses of Emperors and Kings. Great potentates, instead of negotiating a loan with him by tying him in a chair and pulling out his grinders, may treat with him as with a great potentate, and may postpone the declaring of war or the signing of a treaty till they have conferred with him. All this is as it should be: but he must not be a Privy Councillor. He must not be called Right Honorable, for that is political power. And who is it that we are trying to cheat in this way? Even Omniscience. Yes, Sir; we have been gravely told that the Jews are under the divine displeasure, and that if we give them political power God will visit us in judgment. Do we then think that God cannot distinguish between substance and form? Does not He know that, while we withhold from the Jews the semblance and name of political power, we suffer them to possess the substance? The plain truth is that my honorable friend is drawn in one direction by his opinions, and in a directly opposite direction by his excellent heart. He halts between two opinions. He tries to make a compromise between principles which admit of no compromise. He goes a certain way in intolerance. Then he stops, without being able to give a reason for stopping. But I know the reason. It is his humanity. Those who formerly dragged the Jew at a horse's tail, and singed his beard with

blazing furzebushes, were much worse men than my honorable friend; but they were more consistent than he.

It has been said that it would be monstrous to see a Jew judge try a man for blasphemy. In my opinion it is monstrous to see any judge try a man for blasphemy under the present law. But, if the law on that subject were in a sound state, I do not see why a conscientious Jew might not try a blasphemer. Every man, I think, ought to be at liberty to discuss the evidences of religion; but no man ought to be at liberty to force on the unwilling ears and eyes of others sounds and sights which must cause annoyance and irritation. The distinction is clear. I think it wrong to punish a man for selling Paine's Age of Reason in a back shop to those who choose to buy, or for delivering a Deistical lecture in a private room to those who choose to listen. But if a man exhibits at a window in the Strand a hideous caricature of that which is an object of awe and adoration to nine hundred and ninety-nine out of every thousand of the people who pass up and down that great thoroughfare; if a man, in a place of public resort, applies opprobrious epithets to names held in reverence by all Christians; such a man ought, in my opinion, to be severely punished, not for differing from us in opinion, but for committing a nuisance which gives us pain and disgust. He is no more entitled to outrage our feelings by obtruding his impiety on us, and to say that he is exercising his right of discussion, than to establish a yard for butchering horses close to our houses and to say that he is exercising his right of property, or to run naked up and down the public streets, and to say that he is exercising his right of locomotion. He has a right of discussion, no doubt, as he has a right of property and a right of locomotion. But he must use all his rights so as not to infringe the rights of others.

These, Sir, are the principles on which I would frame the law of blasphemy; and, if the law were so framed, I am at a loss to understand why a Jew might not enforce it as well as a Christian. I am not a Roman Catholic; but if I were a judge at Malta, I should have no scruple about punishing a bigoted Protestant who should burn the Pope in effigy before the eyes of thousands of Roman Catholics. I am not a Mussulman; but if I were a judge in India, I should have no scruple about punishing a Christian who should pollute a mosque. Why, then, should I doubt that a Jew, raised by his ability, learning, and integrity to the judicial bench, would deal properly with any person who, in a Christian country, should insult the Christian religion?

But, says my honorable friend, it has been prophesied that the Jews are to be wanderers on the face of the earth, and that they are not to mix on terms of equality with the people of the countries in which they sojourn. Now, Sir, I am confident that I can demonstrate that this is not the sense of any prophecy which is part of Holy Writ. For it is an undoubted fact that, in the United States of America, Jewish citizens do possess all the privileges possessed by Christian citizens. Therefore, if the prophecies mean that the Jews never shall, during their wanderings, be admitted by other nations to equal participation of political rights, the prophecies are false. But the prophecies are certainly not false. Therefore their meaning cannot be that which is attributed to them by my honorable friend.

Another objection which has been made to this motion is that the Jews look forward to the coming of a great deliverer, to their return to Palestine, to the rebuilding of their temple, to the revival of their ancient worship, and that therefore they will always consider England, not their country, but merely as their place of exile. But, surely, Sir, it would be the

grossest ignorance of human nature to imagine that the anticipation of an event which is to happen at some time altogether indefinite, of an event which has been vainly expected during many centuries, of an event which even those who confidently expect that it will happen do not confidently expect that they or their children or their grandchildren will see, can ever occupy the minds of men to such a degree as to make them regardless of what is near and present and certain. Indeed, Christians, as well as Jews, believe that the existing order of things will come to an end. Many Christians believe that Jesus will visibly reign on earth during a thousand years. Expositors of prophecy have gone so far as to fix the year when the Millennial period is to commence. The prevailing opinion is, I think, in favour of the year 1866; but, according to some commentators, the time is close at hand. Are we to exclude all millennarians from parliament and office, on the ground that they are impatiently looking forward to the miraculous monarchy which is to supersede the present dynasty and the present constitution of England, and that therefore they cannot be heartily loyal to King William?

In one important point, Sir, my honorable friend, the Member for the University of Oxford, must acknowledge that the Jewish religion is of all erroneous religions the least mischievous. There is not the slightest chance that the Jewish religion will spread. The Jew does not wish to make proselytes. He may be said to reject them. He thinks it almost culpable in one who does not belong to his race to presume to belong to his religion. It is therefore not strange that a conversion from Christianity to Judaism should be a rarer occurrence than a total eclipse of the sun. There was one distinguished convert in the last century, Lord George Gordon; and the history of his conversion deserves to be remembered. For if ever

there was a proselyte of whom a proselytising sect would have been proud, it was Lord George; not only because he was a man of high birth and rank; not only because he had been a member of the legislature; but also because he had been distinguished by the intolerance, nay, the ferocity, of his zeal for his own form of Christianity. But was he allured into the Synagogue? Was he even welcomed to it? No, Sir; he was coldly and reluctantly permitted to share the reproach and suffering of the chosen people; but he was sternly shut out from their privileges. He underwent the painful rite which their law enjoins. But when, on his deathbed, he begged hard to be buried among them according to their ceremonial, he was told that his request could not be granted. I understand that cry of "Hear." It reminds me that one of the arguments against this motion is that the Jews are an unsocial people, that they draw close to each other, and stand aloof from strangers. Really, Sir, it is amusing to compare the manner in which the question of Catholic emancipation was argued formerly by some gentlemen with the manner in which the question of Jew emancipation is argued by the same gentlemen now. When the question was about Catholic emancipation, the cry was, "See how restless, how versatile, how encroaching, how insinuating, is the spirit of the Church of Rome. See how her priests compass earth and sea to make one proselyte, how indefatigably they toil, how attentively they study the weak and strong parts of every character, how skilfully they employ literature, arts, sciences, as engines for the propagation of their faith. You find them in every region and under every disguise, collating manuscripts in the Bodleian, fixing telescopes in the Observatory of Pekin, teaching the use of the plough and the spinning wheel to the savages of Paraguay. Will you give power to the members of a church so busy, so

aggressive, so insatiable?" Well, now the question is about people who never try to seduce any stranger to join them, and who do not wish any body to be of their faith who is not also of their blood. And now you exclaim, "Will you give power to the members of a sect which remains sullenly apart from other sects, which does not invite, nay, which hardly even admits, neophytes?" The truth is, that bigotry will never want a pretence. Whatever the sect be which it is proposed to tolerate, the peculiarities of that sect will, for the time, be pronounced by intolerant men to be the most odious and dangerous that can be conceived. As to the Jews, that they are unsocial as respects religion is true; and so much the better: for surely, as Christians, we cannot wish that they should bestir themselves to pervert us from our own faith. But that the Jews would be unsocial members of the civil community, if the civil community did its duty by them, has never been proved. My right honorable friend who made the motion which we are discussing has produced a great body of evidence to show that they have been grossly misrepresented; and that evidence has not been refuted by my honorable friend the Member for the University of Oxford. But what if it were true that the Jews are unsocial? What if it were true that they do not regard England as their country? Would not the treatment which they have undergone explain and excuse their antipathy to the society in which they live? Has not similar antipathy often been felt by persecuted Christians to the society which persecuted them? While the bloody code of Elizabeth was enforced against the English Roman Catholics, what was the patriotism of Roman Catholics? Oliver Cromwell said that in his time they were Espaniolised. At a later period it might have been said that they were Gallicised. It was the same with the Calvinists. What more deadly enemies had France in the days

of Lewis the Fourteenth than the persecuted Huguenots? But would any rational man infer from these facts that either the Roman Catholic as such, or the Calvinist as such, is incapable of loving the land of his birth? If England were now invaded by Roman Catholics, how many English Roman Catholics would go over to the invader? If France were now attacked by a Protestant enemy, how many French Protestants would lend him help? Why not try what effect would be produced on the Jews by that tolerant policy which has made the English Roman Catholic a good Englishman, and the French Calvinist a good Frenchman?

Another charge has been brought against the Jews, not by my honorable friend the Member for the University of Oxford,—he has too much learning and too much good feeling to make such a charge,—but by the honorable Member for Oldham, who has, I am sorry to see, quitted his place. The honorable Member for Oldham tells us that the Jews are naturally a mean race, a sordid race, a money-getting race; that they are averse to all honorable callings; that they neither sow nor reap; that they have neither flocks nor herds; that usury is the only pursuit for which they are fit; that they are destitute of all elevated and amiable sentiments. Such, Sir, has in every age been the reasoning of bigots. They never fail to plead in justification of persecution the vices which persecution has engendered. England has been to the Jews less than half a country; and we revile them because they do not feel for England more than a half patriotism. We treat them as slaves, and wonder that they do not regard us as brethren. We drive them to mean occupations, and then reproach them for not embracing honorable professions. We long forbade them to possess land; and we complain that they chiefly occupy themselves in trade. We shut them out from all the paths of

ambition; and then we despise them for taking refuge in avarice. During many ages we have, in all our dealings with them, abused our immense superiority of force; and then we are disgusted because they have recourse to that cunning which is the natural and universal defence of the weak against the violence of the strong. But were they always a mere moneychanging, moneygetting, moneyhoarding race? Nobody knows better than my honorable friend the Member for the University of Oxford that there is nothing in their national character which unfits them for the highest duties of citizens. He knows that, in the infancy of civilisation, when our island was as savage as New Guinea, when letters and arts were still unknown to Athens, when scarcely a thatched hut stood on what was afterwards the site of Rome, this contemned people had their fenced cities and cedar palaces, their splendid Temple, their fleets of merchant ships, their schools of sacred learning, their great statesmen and soldiers, their natural philosophers, their historians and their poets. What nation ever contended more manfully against overwhelming odds for its independence and religion? What nation ever, in its last agonies, gave such signal proofs of what may be accomplished by a brave despair? And if, in the course of many centuries, the oppressed descendants of warriors and sages have degenerated from the qualities of their fathers, if, while excluded from the blessings of law, and bowed down under the yoke of slavery, they have contracted some of the vices of outlaws and of slaves, shall we consider this as matter of reproach to them? Shall we not rather consider it as matter of shame and remorse to ourselves? Let us do justice to them. Let us open to them the door of the House of Commons. Let us open to them every career in which ability and energy can be displayed. Till we have done this, let us not presume to say that there is no genius

among the countrymen of Isaiah, no heroism among the descendants of the Maccabees.

Sir, in supporting the motion of my honorable friend, I am, I firmly believe, supporting the honour and the interests of the Christian religion. I should think that I insulted that religion if I said that it cannot stand unaided by intolerant laws. Without such laws it was established, and without such laws it may be maintained. It triumphed over the superstitions of the most refined and of the most savage nations, over the graceful mythology of Greece and the bloody idolatry of the northern forests. It prevailed over the power and policy of the Roman empire. It tamed the barbarians by whom that empire was overthrown. But all these victories were gained not by the help of intolerance, but in spite of the opposition of intolerance. The whole history of Christianity proves that she has little indeed to fear from persecution as a foe, but much to fear from persecution as an ally. May she long continue to bless our country with her benignant influence, strong in her sublime philosophy, strong in her spotless morality, strong in those internal and external evidences to which the most powerful and comprehensive of human intellects have yielded assent, the last solace of those who have outlived every earthly hope, the last restraint of those who are raised above every earthly fear! But let not us, mistaking her character and her interests, fight the battle of truth with the weapons of error, and endeavour to support by oppression that religion which first taught the human race the great lesson of universal charity.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 10TH OF JULY, 1833.

On Wednesday, the tenth of July, 1833, Mr. Charles Grant, President of the Board of Control, moved that the Bill for effecting an arrangement with the India Company, and for the better government of His Majesty's Indian territories, should be read a second time. The motion was carried without a division, but not without a long debate, in the course of which the following Speech was made.

HAVING, while this bill was in preparation, enjoyed the fullest and kindest confidence of my right honorable friend, the President of the Board of Control, agreeing with him completely in all those views which on a former occasion he so luminously and eloquently developed, having shared his anxieties, and feeling that in some degree I share his responsibility, I am naturally desirous to obtain the attention of the House while I attempt to defend the principles of the proposed arrangement. I wish that I could promise to be very brief; but the subject is so extensive that I will only promise to condense what I have to say as much as I can.

I rejoice, Sir, that I am completely dispensed, by the turn which our debates have taken, from the necessity of saying anything in favour of one part of our plan, the opening of the China trade. No voice,

I believe, has yet been raised here in support of the monopoly. On that subject all public men of all parties seem to be agreed. The resolution proposed by the Ministers has received the unanimous assent of both Houses, and the approbation of the whole kingdom. I will not, therefore, Sir, detain you by vindicating what no gentleman has yet ventured to attack, but will proceed to call your attention to those effects which this great commercial revolution necessarily produced on the system of Indian government and finance.

The China trade is to be opened. Reason requires this. Public opinion requires it. The Government of the Duke of Wellington felt the necessity as strongly as the Government of Lord Grey. No Minister, Whig or Tory, could have been found to propose a renewal of the monopoly. No parliament, reformed or unreformed, would have listened to such a proposition. But though the opening of the trade was a matter concerning which the public had long made up its mind, the political consequences which must necessarily follow from the opening of the trade seem to me to be even now little understood. The language which I have heard in almost every circle where the subject was discussed was this: "Take away the monopoly, and leave the government of India to the Company:" a very short and convenient way of settling one of the most complicated questions that ever a legislature had to consider. The honorable Member for Sheffield,[1] though not disposed to retain the Company as an organ of government, has repeatedly used language which proves that he shares in the general misconception. The fact is that the abolition of the monopoly rendered it absolutely necessary to make a fundamental change in the constitution of that great Corporation.

[1] Mr. Buckingham.

The Company had united in itself two characters, the character of trader and the character of sovereign. Between the trader and the sovereign there was a long and complicated account, almost every item of which furnished matter for litigation. While the monopoly continued, indeed litigation was averted. The effect of the monopoly was, to satisfy the claims both of commerce and of territory, at the expense of a third party, the English people; to secure at once funds for the dividend of the stockholder and funds for the government of the Indian Empire, by means of a heavy tax on the tea consumed in this country. But, when the third party would no longer bear this charge, all the great financial questions which had, at the cost of that third party, been kept in abeyance, were opened in an instant. The connection between the Company in its mercantile capacity, and the same Company in its political capacity, was dissolved. Even if the Company were permitted, as has been suggested, to govern India and at the same time to trade with China, no advances would be made from the profits of its Chinese trade for the support of its Indian government. It was in consideration of the exclusive privilege that the Company had hitherto been required to make those advances; it was by the exclusive privilege that the Company had been enabled to make them. When that privilege was taken away, it would be unreasonable in the Legislature to impose such an obligation, and impossible for the Company to fulfil it. The whole system of loans from commerce to territory, and repayments from territory to commerce, must cease. Each party must rest altogether on its own resources. It was therefore absolutely necessary to ascertain what resources each party possessed, to bring the long and intricate account between them to a close, and to assign to each a fair portion of assets and liabilities. There was vast property. How much of

that property was applicable to purposes of state? How much was applicable to a dividend? There were debts to the amount of many millions. Which of these were the debts of the government that ruled at Calcutta? Which of the great mercantile house that bought tea at Canton? Were the creditors to look to the land revenues of India for their money? Or were they entitled to put executions into the warehouses behind Bishopsgate Street?

There were two ways of settling these questions; adjudication and compromise. The difficulties of adjudication were great; I think insuperable. Whatever acuteness and diligence could do has been done. One person in particular, whose talents and industry peculiarly fitted him for such investigations, and of whom I can never think without regret, Mr. Hyde Villiers, devoted himself to the examination with an ardour and a perseverance which, I believe, shortened a life most valuable to his country and to his friends. The assistance of the most skilful accountants has been called in. But the difficulties are such as no accountant, however skilful, could possibly remove. The difficulties are not arithmetical, but political. They arise from the constitution of the Company, from the long and intimate union of the commercial and imperial characters in one body. Suppose that the treasurer of a charity were to mix up the money which he receives on account of the charity with his own private rents and dividends, to pay the whole into his bank to his own private account, to draw it out again by cheques in exactly the same form when he wanted it for his private expenses, and when he wanted it for the purposes of his public trust. Suppose that he were to continue to act thus till he was himself ignorant whether he were in advance or in arrear; and suppose that many years after his death a question were to arise whether his estate

were in debt to the charity or the charity in debt to his estate. Such is the question which is now before us, with this important difference; that the accounts of an individual could not be in such a state unless he had been guilty of fraud, or of that gross negligence which is scarcely less culpable than fraud, and that the accounts of the Company were brought into this state by circumstances of a very peculiar kind, by circumstances unparalleled in the history of the world.

It is a mistake to suppose that the Company was a merely commercial body till the middle of the last century. Commerce was its chief object; but in order to enable it to pursue that object, it had been, like the other Companies which were its rivals, like the Dutch India Company, like the French India Company, invested from a very early period with political functions. More than a hundred and twenty years ago, the Company was in miniature precisely what it now is. It was entrusted with the very highest prerogatives of sovereignty. It had its forts, and its white captains, and its black sepoys; it had its civil and criminal tribunals; it was authorised to proclaim martial law; it sent ambassadors to the native governments, and concluded treaties with them; it was Zemindar of several districts, and within those districts, like other Zemindars of the first class, it exercised the powers of a sovereign, even to the infliction of capital punishment on the Hindoos within its jurisdiction. It is incorrect, therefore, to say, that the Company was at first a mere trader, and has since become a sovereign. It was at first a great trader and a petty prince. The political functions at first attracted little notice, because they were merely auxiliary to the commercial functions. By degrees, however, the political functions became more and more important. The Zemindar became a great nabob, became sove-

reign of all India; the two hundred Sepoys became two hundred thousand. This change was gradually wrought, and was not immediately comprehended. It was natural that, while the political functions of the Company were merely auxiliary to its commerce, the political accounts should have been mixed up with the commercial accounts. It was equally natural that this mode of keeping accounts, having once been established, should have remained unaltered; and the more so, as the change in the situation of the Company, though rapid, was not sudden. It is impossible to name any one day, or any one year, as the day or the year when the Company became a great potentate. It has been the fashion indeed to fix on the year 1765, the year in which the Mogul issued a commission authorising the Company to administer the revenues of Bengal, Bahar, and Orissa, as the precise date of the accession of this singular body to sovereignty. I am utterly at a loss to understand why this epoch should be selected. Long before 1765 the Company had the reality of political power. Long before that year, they made a nabob of Arcot; they made and unmade nabobs of Bengal; they humbled the Vizier of Oude; they braved the Emperor of Hindostan himself; more than half the revenues of Bengal were under one pretence or another administered by them. And after the grant, the Company was not, in form and name, an independent power. It was merely a minister of the Court of Delhi. Its coinage bore the name of Shah Alum. The inscription which, down to the time of the Marquess of Hastings, appeared on the seal of the Governor General, declared that great functionary to be the slave of the Mogul. Even to this day we have never formerly deposed the King of Delhi. The Company contents itself with being Mayor of the Palace, while the *Roi Fainéant* is suffered to play

at being a sovereign. In fact, it was considered, both by Lord Clive and by Warren Hastings, as a point of policy to leave the character of the Company thus undefined, in order that the English might treat the princes in whose names they governed as realities or nonentities, just as might be most convenient.

Thus the transformation of the Company from a trading body, which possessed some sovereign prerogatives for the purposes of trade, into a sovereign body, the trade of which was auxiliary to its sovereignty, was effected by degrees and under disguise. It is not strange, therefore, that the mercantile and political transactions of this great corporation should be entangled together in inextricable complication. The commercial investments have been purchased out of the revenues of the empire. The expenses of war and government have been defrayed out of the profits of the trade. Commerce and territory have contributed to the improvement of the same spot of land, to the repairs of the same building. Securities have been given in precisely the same form, for money which has been borrowed for purposes of State, and for money which has been borrowed for purposes of traffic. It is easy, indeed,—and this is a circumstance which has, I think, misled some gentlemen,—it is easy to see what part of the assets of the Company appears in a commercial form, and what part appears in a political or territorial form. But this is not the question. Assets which are commercial in form may be territorial as respects the right of property; assets which are territorial in form may be commercial as respects the right of property. A chest of tea is not necessarily commercial property; it may have been bought out of the territorial revenue. A fort is not necessarily territorial property; it may stand on ground which the Company bought a hundred years ago out of

their commercial profits. Adjudication, if by adjudication be meant decision according to some known rule of law, was out of the question. To leave matters like these to be determined by the ordinary maxims of our civil jurisprudence would have been the height of absurdity and injustice. For example, the home bond debt of the Company, it is believed, was incurred partly for political and partly for commercial purposes. But there is no evidence which would enable us to assign to each branch its proper share. The bonds all run in the same form; and a court of justice would, therefore, of course, either lay the whole burthen on the proprietors, or lay the whole on the territory. We have legal opinions, very respectable legal opinions, to the effect, that in strictness of law the territory is not responsible, and that the commercial assets are responsible for every farthing of the debts which were incurred for the government and defence of India. But though this may be, and I believe is, law, it is, I am sure, neither reason nor justice. On the other hand, it is urged by the advocates of the Company, that some valuable portions of the territory are the property of that body in its commercial capacity; that Calcutta, for example, is the private estate of the Company; that the Company holds the island of Bombay, in free and common socage, as of the Manor of East Greenwich. I will not pronounce any opinion on these points. I have considered them enough to see that there is quite difficulty enough in them to exercise all the ingenuity of all the lawyers in the kingdom for twenty years. But the fact is, Sir, that the municipal law was not made for controversies of this description. The existence of such a body as this gigantic corporation, this political monster of two natures, subject in one hemisphere, sovereign in another, had never been contemplated by the legis-

lators or judges of former ages. Nothing but grotesque absurdity and atrocious injustice could have been the effect, if the claims and liabilities of such a body had been settled according to the rules of Westminster Hall, if the maxims of conveyancers had been applied to the titles by which flourishing cities and provinces are held, or the maxims of the law merchant to those promissory notes which are the securities for a great National Debt, raised for the purpose of exterminating the Pindarrees and humbling the Burmese.

It was, as I have said, absolutely impossible to bring the question between commerce and territory to a satisfactory adjudication; and I must add that, even if the difficulties which I have mentioned could have been surmounted, even if there had been reason to hope that a satisfactory adjudication could have been obtained, I should still have wished to avoid that course. I think it desirable that the Company should continue to have a share in the government of India; and it would evidently have been impossible, pending a litigation between commerce and territory, to leave any political power to the Company. It would clearly have been the duty of those who were charged with the superintendence of India, to be the patrons of India throughout that momentous litigation, to scrutinise with the utmost severity every claim which might be made on the Indian revenues, and to oppose, with energy and perseverance, every such claim, unless its justice were manifest. If the Company was to be engaged in a suit for many millions, in a suit which might last for many years, against the Indian territory, could we entrust the Company with the government of that territory? Could we put the plaintiff in the situation of *prochain ami* of the defendant? Could we appoint governors who would have had an interest opposed in the most direct manner to the interest of

the governed, whose stock would have been raised in value by every decision which added to the burthens of their subjects, and depressed by every decision which diminished those burthens? It would be absurd to suppose that they would efficiently defend our Indian Empire against the claims which they were themselves bringing against it; and it would be equally absurd to give the government of the Indian Empire to those who could not be trusted to defend its interests.

Seeing, then, that it was most difficult, if not wholly impossible, to resort to adjudication between commerce and territory, seeing that, if recourse were had to adjudication, it would be necessary to make a complete revolution in the whole constitution of India, the Government has proposed a compromise. That compromise, with some modifications which did not in the slightest degree affect its principle, and which, while they gave satisfaction to the Company, will eventually lay no additional burthen on the territory, has been accepted. It has, like all other compromises, been loudly censured by violent partisans on both sides. It has been represented by some as far too favourable to the Company, and by others as most unjust to the Company. Sir, I own that we cannot prove that either of these accusations is unfounded. It is of the very essence of our case that we should not be able to show that we have assigned, either to commerce or to territory, its precise due. For our principal reason for recommending a compromise was our full conviction that it was absolutely impossible to ascertain with precision what was due to commerce and what was due to territory. It is not strange that some people should accuse us of robbing the Company, and others of conferring a vast boon on the Company, at the expense of India: for we have proposed a middle course, on the very ground that there was a chance

of a result much more favourable to the Company than our arrangement, and a chance also of a result much less favourable. If the questions pending between the Company and India had been decided as the ardent supporters of the Company predicted, India would, if I calculate rightly, have paid eleven millions more than she will now have to pay. If those questions had been decided as some violent enemies of the Company predicted, that great body would have been utterly ruined. The very meaning of compromise is that each party gives up his chance of complete success, in order to be secured against the chance of utter failure. And, as men of sanguine minds always overrate the chances in their own favour, every fair compromise is sure to be severely censured on both sides. I conceive that, in a case so dark and complicated as this, the compromise which we recommend is sufficiently vindicated, if it cannot be proved to be unfair. We are not bound to prove it to be fair. For it would have been unnecessary for us to resort to compromise at all, if we had been in possession of evidence which would have enabled us to pronounce, with certainty, what claims were fair and what were unfair. It seems to me that we have acted with due consideration for every party. The dividend which we give to the proprietors is precisely the same dividend which they have been receiving during forty years, and which they have expected to receive permanently. The price of their stock bears at present the same proportion to the price of other stock which it bore four or five years ago, before the anxiety and excitement which the late negotiations naturally produced had begun to operate. As to the territory on the other hand, it is true that, if the assets which are now in a commercial form should not produce a fund sufficient to pay the debts and dividend of the Company, the territory must stand to the loss and pay the

difference. But in return for taking this risk, the territory obtains an immediate release from claims to the amount of many millions. I certainly do not believe that all those claims could have been sub stantiated; but I know that very able men think differently. And, if only one-fourth of the sum demanded had been awarded to the Company, India would have lost more than the largest sum which, as it seems to me, she can possibly lose under the proposed arrangement.

In a pecuniary point of view, therefore, I conceive that we can defend the measure as it affects the territory. But to the territory the pecuniary question is of secondary importance. If we have made a good pecuniary bargain for India, but a bad political bargain, if we have saved three or four millions to the finances of that country, and given to it, at the same time, pernicious institutions, we shall indeed have been practising a most ruinous parsimony. If, on the other hand, it shall be found that we have added fifty or a hundred thousand pounds a-year to the expenditure of an empire which yields a revenue of twenty millions, but that we have at the same time secured to that empire, as far as in us lies, the blessings of good government, we shall have no reason to be ashamed of our profusion. I hope and believe that India will have to pay nothing. But on the most unfavourable supposition that can be made, she will not have to pay so much to the Company as she now pays annually to a single state pageant, to the titular Nabob of Bengal, for example, or the titular King of Delhi. What she pays to these nominal princes, who, while they did anything, did mischief, and who now do nothing, she may well consent to pay to her real rulers, if she receives from them, in return, efficient protection and good legislation.

We come then to the great question. Is it

desirable to retain the Company as an organ of government for India? I think that it is desirable. The question is, I acknowledge, beset with difficulties. We have to solve one of the hardest problems in politics. We are trying to make brick without straw, to bring a clean thing out of an unclean, to give a good government to a people to whom we cannot give a free government. In this country, in any neighbouring country, it is easy to frame securities against oppression. In Europe, you have the materials of good government everywhere ready to your hands. The people are everywhere perfectly competent to hold some share, not in every country an equal share, but some share, of political power. If the question were, What is the best mode of securing good government in Europe? the merest smatterer in politics would answer, representative institutions. In India you cannot have representative institutions. Of all the innumerable speculators who have offered their suggestions on Indian politics, not a single one, as far as I know, however democratical his opinions may be, has ever maintained the possibility of giving, at the present time, such institutions to India. One gentleman, extremely well acquainted with the affairs of our Eastern Empire, a most valuable servant of the Company, and the author of a History of India, which, though certainly not free from faults, is, I think, on the whole, the greatest historical work which has appeared in our language since that of Gibbon, I mean Mr. Mill, was examined on this point. That gentleman is well known to be a very bold and uncompromising politician. He has written strongly, far too strongly I think, in favour of pure democracy. He has gone so far as to maintain that no nation which has not a representative legislature, chosen by universal suffrage, enjoys security against oppression. But when he was asked before the Committee of last

year, whether he thought representative government practicable in India, his answer was, "Utterly out of the question." This, then, is the state in which we are. We have to frame a good government for a country into which, by universal acknowledgment, we cannot introduce those institutions which all our habits, which all the reasonings of European philosophers, which all the history of our own part of the world would lead us to consider as the one great security for good government. We have to engraft on despotism those blessings which are the natural fruits of liberty. In these circumstances, Sir, it behoves us to be cautious, even to the verge of timidity. The light of political science and of history are withdrawn: we are walking in darkness: we do not distinctly see whither we are going. It is the wisdom of a man, so situated, to feel his way, and not to plant his foot till he is well assured that the ground before him is firm.

Some things, however, in the midst of this obscurity, I can see with clearness. I can see, for example, that it is desirable that the authority exercised in this country over the Indian government should be divided between two bodies, between a minister or a board appointed by the Crown, and some other body independent of the Crown. If India is to be a dependency of England, to be at war with our enemies, to be at peace with our allies, to be protected by the English navy from maritime aggression, to have a portion of the English army mixed with its sepoys, it plainly follows that the King, to whom the Constitution gives the direction of foreign affairs, and the command of the military and naval forces, ought to have a share in the direction of the Indian government. Yet, on the other hand, that a revenue of twenty millions a year, an army of two hundred thousand men, a civil service abounding with lucrative situations, should be

left to the disposal of the Crown without any check whatever, is what no Minister, I conceive, would venture to propose. This House is indeed the check provided by the Constitution on the abuse of the royal prerogative. But that this House is, or is likely ever to be, an efficient check on abuses practised in India, I altogether deny. We have, as I believe we all feel, quite business enough. If we were to undertake the task of looking into Indian affairs as we look into British affairs, if we were to have Indian budgets and Indian estimates, if we were to go into the Indian currency question and the Indian Bank Charter, if to our disputes about Belgium and Holland, Don Pedro and Don Miguel, were to be added disputes about the debts of the Guicowar and the disorders of Mysore, the ex-king of the Afghans and the Maharajah Runjeet Sing; if we were to have one night occupied by the embezzlements of the Benares mint, and another by the panic in the Calcutta money market; if the questions of Suttee or no Suttee, Pilgrim tax or no Pilgrim tax, Ryotwary or Zemindary, half Batta or whole Batta, were to be debated at the same length at which we have debated Church reform and the assessed taxes, twenty-four hours a day and three hundred and sixty-five days a year would be too short a time for the discharge of our duties. The House, it is plain, has not the necessary time to settle these matters; nor has it the necessary knowledge; nor has it the motives to acquire that knowledge. The late change in its constitution has made it, I believe, a much more faithful representative of the English people. But it is as far as ever from being a representative of the Indian people. A broken head in Cold Bath Fields produces a greater sensation among us than three pitched battles in India. A few weeks ago we had to decide on a claim brought by an individual against the revenues of India. If it had been an

English question the walls would scarcely have held the Members who would have flocked to the division. It was an Indian question; and we could scarcely, by dint of supplication, make a House. Even when my right honorable friend, the President of the Board of Control, gave his able and interesting explanation of the plan which he intended to propose for the government of a hundred millions of human beings, the attendance was not so large as I have often seen it on a turnpike bill or a railroad bill.

I then take these things as proved, that the Crown must have a certain authority over India, that there must be an efficient check on the authority of the Crown, and that the House of Commons cannot be that efficient check. We must then find some other body to perform that important office. We have such a body, the Company. Shall we discard it?

It is true that the power of the Company is an anomaly in politics. It is strange, very strange, that a joint stock society of traders, a society, the shares of which are daily passed from hand to hand, a society, the component parts of which are perpetually changing, a society, which, judging *à priori* from its constitution, we should have said was as little fitted for imperial functions as the Merchant Taylors' Company or the New River Company, should be entrusted with the sovereignty of a larger population, the disposal of a larger clear revenue, the command of a larger army, than are under the direct management of the Executive Government of the United Kingdom. But what constitution can we give to our Indian Empire which shall not be strange, which shall not be anomalous? That Empire is itself the strangest of all political anomalies. That a handful of adventurers from an island in the Atlantic should have subjugated a vast country divided from the place of their birth by half the globe; a country

which at no very distant period was merely the subject of fable to the nations of Europe; a country never before violated by the most renowned of Western Conquerors; a country which Trajan never entered; a country lying beyond the point where the phalanx of Alexander refused to proceed; that we should govern a territory ten thousand miles from us, a territory larger and more populous than France, Spain, Italy, and Germany put together, a territory, the present clear revenue of which exceeds the present clear revenue of any state in the world, France excepted; a territory, inhabited by men differing from us in race, colour, language, manners, morals, religion; these are prodigies to which the world has seen nothing similar. Reason is confounded. We interrogate the past in vain. General rules are useless where the whole is one vast exception. The Company is an anomaly; but it is part of a system where everything is anomaly. It is the strangest of all governments; but it is designed for the strangest of all Empires.

If we discard the Company, we must find a substitute: and, take what substitute we may, we shall find ourselves unable to give any reason for believing that the body which we have put in the room of the Company is likely to acquit itself of its duties better than the Company. Commissioners appointed by the King during pleasure would be no check on the Crown; Commissioners appointed by the King or by Parliament for life would always be appointed by the political party which might be uppermost, and if a change of administration took place, would harass the new Government with the most vexatious opposition. The plan suggested by the right honorable Gentleman, the Member for Montgomeryshire,[1] is, I think, the very worst that I have ever heard. He would have Directors nomi-

[1] Mr. Charles Wynn.

nated every four years by the Crown. Is it not plain that these Directors would always be appointed from among the supporters of the Ministry for the time being; that their situations would depend on the permanence of that Ministry; that therefore all their power and patronage would be employed for the purpose of propping that Ministry, and, in case of a change, for the purpose of molesting those who might succeed to power; that they would be subservient while their friends were in, and factious when their friends were out? How would Lord Grey's ministry have been situated if the whole body of Directors had been nominated by the Duke of Wellington in 1830? I mean no imputation on the Duke of Wellington. If the present Ministers had to nominate Directors for four years, they would, I have no doubt, nominate men who would give no small trouble to the Duke of Wellington if he were to return to office. What we want is a body independent of the Government, and no more than independent, not a tool of the Treasury, not a tool of the opposition. No new plan which I have heard proposed would give us such a body. The Company, strange as its constitution may be, is such a body. It is, as a corporation, neither Whig nor Tory, neither high-church nor low-church. It cannot be charged with having been for or against the Catholic Bill, for or against the Reform Bill. It has constantly acted with a view, not to English politics, but to Indian politics. We have seen the country convulsed by faction. We have seen ministers driven from office by this House, Parliament dissolved in anger, general elections of unprecedented turbulence, debates of unprecedented interest. We have seen the two branches of the Legislature placed in direct opposition to each other. We have seen the advisers of the Crown dismissed one day, and brought back the next day on the shoulders of the

people. And amidst all these agitating events the Company has preserved strict and unsuspected neutrality. This is, I think, an inestimable advantage; and it is an advantage which we must altogether forego, if we consent to adopt any of the schemes which I have heard proposed on the other side of the House.

We must judge of the Indian government, as of all other governments, by its practical effects. According to the honorable member for Sheffield, India is ill governed; and the whole fault is with the Company. Innumerable accusations, great and small, are brought by him against the Directors. They are fond of war: they are fond of dominion: the taxation is burthensome: the laws are undigested: the roads are rough: the post goes on foot: and for everything the Company is answerable. From the dethronement of the Mogul princes to the mishaps of Sir Charles Metcalfe's courier, every disaster that has taken place in the East during sixty years is laid to the charge of this Corporation. And the inference is, that all the power which they possess ought to be taken out of their hands, and transferred at once to the Crown.

Now, Sir, it seems to me that, for all the evils which the honorable Gentleman has so pathetically recounted, the Ministers of the Crown are as much to blame as the Company; nay, much more so: for the Board of Control could, without the consent of the Directors, have redressed those evils; and the Directors most certainly could not have redressed them without the consent of the Board of Control. Take the case of that frightful grievance which seems to have made the deepest impression on the mind of the honorable Gentleman, the slowness of the mail. Why, Sir, if my right honorable friend, the President of our Board, thought fit, he might direct me to write to the Court and require them to

frame a dispatch on that subject. If the Court disobeyed, he might himself frame a dispatch ordering Lord William Bentinck to put the dawks all over Bengal on horseback. If the Court refused to send out this dispatch, the Board could apply to the King's Bench for a Mandamus. If, on the other hand, the Directors wished to accelerate the journeys of the mail, and the Board were adverse to the project, the Directors could do nothing at all. For all measures of internal policy the servants of the King are at least as deeply responsible as the Company. For all measures of foreign policy the servants of the King, and they alone, are responsible. I was surprised to hear the honorable Gentleman accuse the Directors of insatiable ambition and rapacity, when he must know that no act of aggression on any native state can be committed by the Company without the sanction of the Board, and that, in fact, the Board has repeatedly approved of warlike measures, which were strenuously opposed by the Company. He must know, in particular, that, during the energetic and splendid administration of the Marquess Wellesley, the Company was all for peace, and the Board all for conquest. If a line of conduct which the honorable Gentleman thinks unjustifiable has been followed by the Ministers of the Crown in spite of the remonstrances of the Directors, this is surely a strange reason for turning off the Directors, and giving the whole power unchecked to the Crown.

The honorable member tells us that India, under the present system, is not so rich and flourishing as she was two hundred years ago. Really, Sir, I doubt whether we are in possession of sufficient data to enable us to form a judgment on that point. But the matter is of little importance. We ought to compare India under our Government, not with India under Acbar and his immediate successors, but

with India as we found it. The calamities through which that country passed during the interval between the fall of the Mogul power and the establishment of the English supremacy were sufficient to throw the people back whole centuries. It would surely be unjust to say, that Alfred was a bad King, because Britain, under his government, was not so rich or so civilised as in the time of the Romans.

In what state, then, did we find India? And what have we made India? We found society throughout that vast country in a state to which history scarcely furnishes a parallel. The nearest parallel would, perhaps, be the state of Europe during the fifth century. The Mogul empire in the time of the successors of Aurungzebe, like the Roman empire in the time of the successors of Theodosius, was sinking under the vices of a bad internal administration, and under the assaults of barbarous invaders. At Delhi, as at Ravenna, there was a mock sovereign, immured in a gorgeous state prison. He was suffered to indulge in every sensual pleasure. He was adored with servile prostrations. He assumed and bestowed the most magnificent titles. But, in fact, he was a mere puppet in the hands of some ambitious subject. While the Honorii and Augustuli of the East, surrounded by their fawning eunuchs, revelled and dozed without knowing or caring what might pass beyond the walls of their palace gardens, the provinces had ceased to respect a Government which could neither punish nor protect them. Society was a chaos. Its restless and shifting elements formed themselves every moment into some new combination, which the next moment dissolved. In the course of a single generation a hundred dynasties grew up, flourished, decayed, were extinguished, were forgotten. Every adventurer who could muster a troop of horse might aspire to a throne. Every palace was every year the scene of conspiracies,

treasons, revolutions, parricides. Meanwhile a rapid succession of Alarics and Attilas passed over the defenceless empire. A Persian invader penetrated to Delhi, and carried back in triumph the most precious treasures of the House of Tamerlane. The Afghan soon followed, by the same track, to glean whatever the Persian had spared. The Jauts established themselves on the Jumna. The Seiks devastated Lahore. Every part of India, from Tanjore to the Himalayas, was laid under contribution by the Mahrattas. The people were ground down to the dust by the oppressor without and the oppressor within, by the robber from whom the Nabob was unable to protect them, by the Nabob who took whatever the robber had left to them. All the evils of despotism, and all the evils of anarchy, pressed at once on that miserable race. They knew nothing of government but its exactions. Desolation was in their imperial cities, and famine all along the banks of their broad and redundant rivers. It seemed that a few more years would suffice to efface all traces of the opulence and civilisation of an earlier age.

Such was the state of India when the Company began to take part in the disputes of its ephemeral sovereigns. About eighty years have elapsed since we appeared as auxiliaries in a contest between two rival families for the sovereignty of a small corner of the Peninsula. From that moment commenced a great, a stupendous process, the reconstruction of a decomposed society. Two generations have passed away; and the process is complete. The scattered fragments of the empire of Aurungzebe have been united in an empire stronger and more closely knit together than that which Aurungzebe ruled. The power of the new sovereigns penetrates their dominions more completely, and is far more implicitly obeyed, than was that of the proudest princes of the Mogul dynasty.

It is true, that the early history of this great revolution is chequered with guilt and shame. It is true that the founders of our Indian empire too often abused the strength which they derived from superior energy and superior knowledge. It is true that, with some of the highest qualities of the race from which they sprang, they combined some of the worst defects of the race over which they ruled. How should it have been otherwise? Born in humble stations, accustomed to earn a slender maintenance by obscure industry, they found themselves transformed in a few months from clerks drudging over desks, or captains in marching regiments, into statesmen and generals, with armies at their command, with the revenues of kingdoms at their disposal, with power to make and depose sovereigns at their pleasure. They were what it was natural that men should be who had been raised by so rapid an ascent to so dizzy an eminence, profuse and rapacious, imperious and corrupt.

It is true, then, that there was too much foundation for the representations of those satirists and dramatists who held up the character of the English Nabob to the derision and hatred of a former generation. It is true that some disgraceful intrigues, some unjust and cruel wars, some instances of odious perfidy and avarice stain the annals of our Eastern empire. It is true that the duties of government and legislation were long wholly neglected or carelessly performed. It is true that when the conquerors at length began to apply themselves in earnest to the discharge of their high functions, they committed the errors natural to rulers who were but imperfectly acquainted with the language and manners of their subjects. It is true that some plans, which were dictated by the purest and most benevolent feelings, have not been attended by the desired success. It is true that India suffers to this day from a heavy burthen of taxation and from a defective system of law.

It is true, I fear, that in those states which are connected with us by subsidiary alliance, all the evils of oriental despotism have too frequently shown themselves in their most loathsome and destructive form.

All this is true. Yet in the history and in the present state of our Indian empire I see ample reason for exultation and for a good hope.

I see that we have established order where we found confusion. I see that the petty dynasties which were generated by the corruption of the great Mahometan empire, and which, a century ago, kept all India in constant agitation, have been quelled by one overwhelming power. I see that the predatory tribes which, in the middle of the last century, passed annually over the harvests of India with the destructive rapidity of a hurricane, have quailed before the valour of a braver and sterner race, have been vanquished, scattered, hunted to their strongholds, and either extirpated by the English sword, or compelled to exchange the pursuits of rapine for those of industry.

I look back for many years; and I see scarcely a trace of the vices which blemished the splendid fame of the first conquerors of Bengal. I see peace studiously preserved. I see faith inviolably maintained towards feeble and dependent states. I see confidence gradually infused into the minds of suspicious neighbours. I see the horrors of war mitigated by the chivalrous and Christian spirit of Europe. I see examples of moderation and clemency, such as I should seek in vain in the annals of any other victorious and dominant nation. I see captive tyrants, whose treachery and cruelty might have excused a severe retribution, living in security, comfort, and dignity, under the protection of the government which they laboured to destroy.

I see a large body of civil and military functionaries resembling in nothing but capacity and valour

those adventurers who, seventy years ago, came hither, laden with wealth and infamy, to parade before our fathers the plundered treasures of Bengal and Tanjore. I reflect with pride that to the doubtful splendour which surrounds the memory of Hastings and of Clive, we can oppose the spotless glory of Elphinstone and Munro. I contemplate with reverence and delight the honorable poverty which is the evidence of rectitude firmly maintained amidst strong temptations. I rejoice to see my countrymen, after ruling millions of subjects, after commanding victorious armies, after dictating terms of peace at the gates of hostile capitals, after administering the revenues of great provinces, after judging the causes of wealthy Zemindars, after residing at the Courts of tributary Kings, return to their native land with no more than a decent competence.

I see a government anxiously bent on the public good. Even in its errors I recognise a paternal feeling towards the great people committed to its charge. I see toleration strictly maintained: yet I see bloody and degrading superstitions gradually losing their power. I see the morality, the philosophy, the taste of Europe, beginning to produce a salutary effect on the hearts and understandings of our subjects. I see the public mind of India, that public mind which we found debased and contracted by the worst forms of political and religious tyranny, expanding itself to just and noble views of the ends of government and of the social duties of man.

I see evils: but I see the government actively employed in the work of remedying those evils. The taxation is heavy; but the work of retrenchment is unsparingly pursued. The mischiefs arising from the system of subsidiary alliance are great: but the rulers of India are fully aware of those mischiefs, and are engaged in guarding against them. Wherever they now interfere for the purpose of supporting

a native government, they interfere also for the purpose of reforming it.

Seeing these things, then, am I prepared to discard the Company as an organ of government? I am not. Assuredly I will never shrink from innovation where I see reason to believe that innovation will be improvement. That the present Government does not shrink from innovations which it considers as improvements the bill now before the House sufficiently shows. But surely the burthen of the proof lies on the innovators. They are bound to show that there is a fair probability of obtaining some advantage before they call upon us to take up the foundations of the Indian government. I have no superstitious veneration for the Court of Directors or the Court of Proprietors. Find me a better Council: find me a better constituent body: and I am ready for a change. But of all the substitutes for the Company which have hitherto been suggested, not one has been proved to be better than the Company; and most of them I could, I think, easily prove to be worse. Circumstances might force us to hazard a change. If the Company were to refuse to accept of the government unless we would grant pecuniary terms which I thought extravagant, or unless we gave up the clauses in this bill which permit Europeans to hold landed property and natives to hold office, I would take them at their word. But I will not discard them in the mere rage of experiment.

Do I call the government of India a perfect government? Very far from it. No nation can be perfectly well governed till it is competent to govern itself. I compare the Indian government with other governments of the same class, with despotisms, with military despotisms, with foreign military despotisms; and I find none that approaches it in excellence. I compare it with the government of the Roman pro-

vinces, with the government of the Spanish colonies; and I am proud of my country and my age. Here are a hundred millions of people under the absolute rule of a few strangers, differing from them physically, differing from them morally, mere Mamelukes, not born in the country which they rule, not meaning to lay their bones in it. If you require me to make this government as good as that of England, France, or the United States of America, I own frankly that I can do no such thing. Reasoning *à priori*, I should have come to the conclusion that such a government must be a horrible tyranny. It is a source of constant amazement to me that it is so good as I find it to be. I will not, therefore, in a case in which I have neither principles nor precedents to guide me, pull down the existing system on account of its theoretical defects. For I know that any system which I could put in its place would be equally condemned by theory, while it would not be equally sanctioned by experience.

Some change in the constitution of the Company was, as I have shown, rendered inevitable by the opening of the China Trade; and it was the duty of the Government to take care that the change should not be prejudicial to India. There were many ways in which the compromise between commerce and territory might have been effected. We might have taken the assets, and paid a sum down, leaving the Company to invest that sum as they chose. We might have offered English security with a lower interest. We might have taken the course which the late ministers designed to take. They would have left the Company in possession of the means of carrying on its trade in competition with private merchants. My firm belief is that, if this course had been taken, the Company must, in a very few years, have abandoned the trade, or the trade would have ruined the Company. It was not, however, solely or

principally by regard for the interest of the Company, or of English merchants generally, that the Government was guided on this occasion. The course which appeared to us the most likely to promote the interests of our Eastern Empire was to make the proprietors of India stock creditors of the Indian territory. Their interest will thus be in a great measure the same with the interest of the people whom they are to rule. Their income will depend on the revenues of their empire. The revenues of their empire will depend on the manner in which the affairs of that empire are administered. We furnish them with the strongest motives to watch over the interests of the cultivator and the trader, to maintain peace, to carry on with vigour the work of retrenchment, to detect and punish extortion and corruption. Though they live at a distance from India, though few of them have ever seen or may ever see the people whom they rule, they will have a great stake in the happiness of their subjects. If their misgovernment should produce disorder in the finances, they will themselves feel the effects of that disorder in their own household expenses. I believe this to be, next to a representative constitution, the constitution which is the best security for good government. A representative constitution India cannot at present have. And we have therefore, I think, given her the best constitution of which she is capable.

One word as to the new arrangement which we propose with respect to the patronage. It is intended to introduce the principle of competition in the disposal of writerships; and from this change I cannot but anticipate the happiest results. The civil servants of the Company are undoubtedly a highly respectable body of men; and in that body, as in every large body, there are some persons of very eminent ability. I rejoice most cordially to see this. I rejoice to see that the standard of morality is so

high in England, that intelligence is so generally diffused through England, that young persons who are taken from the mass of society, by favour and not by merit, and who are therefore only fair samples of the mass, should, when placed in situations of high importance, be so seldom found wanting. But it is not the less true that India is entitled to the service of the best talents which England can spare. That the average of intelligence and virtue is very high in this country is matter for honest exultation. But it is no reason for employing average men where you can obtain superior men. Consider, too, Sir, how rapidly the public mind of India is advancing, how much attention is already paid by the higher classes of the natives to those intellectual pursuits on the cultivation of which the superiority of the European race to the rest of mankind principally depends. Surely, in such circumstances, from motives of selfish policy, if from no higher motive, we ought to fill the magistracies of our Eastern Empire with men who may do honour to their country, with men who may represent the best part of the English nation. This, Sir, is our object; and we believe that by the plan which is now proposed this object will be attained. It is proposed that for every vacancy in the civil service four candidates shall be named, and the best candidate selected by examination. We conceive that, under this system, the persons sent out will be young men above par, young men superior either in talents or in diligence to the mass. It is said, I know, that examinations in Latin, in Greek, and in mathematics, are no tests of what men will prove to be in life. I am perfectly aware that they are not infallible tests: but that they are tests I confidently maintain. Look at every walk of life, at this House, at the other House, at the Bar, at the Bench, at the Church, and see whether it be not true that those who attain high distinction in

the world were generally men who were distinguished in their academic career. Indeed, Sir, this objection would prove far too much even for those who use it. It would prove that there is no use at all in education. Why should we put boys out of their way? Why should we force a lad, who would much rather fly a kite or trundle a hoop, to learn his Latin Grammar? Why should we keep a young man to his Thucydides or his Laplace, when he would much rather be shooting? Education would be mere useless torture, if, at two or three and twenty, a man who had neglected his studies were exactly on a par with a man who had applied himself to them, exactly as likely to perform all the offices of public life with credit to himself and with advantage to society. Whether the English system of education be good or bad is not now the question. Perhaps I may think that too much time is given to the ancient languages and to the abstract sciences. But what then? Whatever be the languages, whatever be the sciences, which it is, in any age or country, the fashion to teach, the persons who become the greatest proficients in those languages and those sciences will generally be the flower of the youth, the most acute, the most industrious, the most ambitious of honorable distinctions. If the Ptolemaic system were taught at Cambridge instead of the Newtonian, the senior wrangler would nevertheless be in general a superior man to the wooden spoon. If, instead of learning Greek we learned the Cherokee, the man who understood the Cherokee best, who made the most correct and melodious Cherokee verses, who comprehended most accurately the effect of the Cherokee particles, would generally be a superior man to him who was destitute of these accomplishments. If astrology were taught at our Universities, the young man who cast nativities best would generally turn out a superior man. If alchemy were

taught, the young man who showed most activity in the pursuit of the philosopher's stone would generally turn out a superior man.

I will only add one other observation on this subject. Although I am inclined to think that too exclusive an attention is paid in the education of young English gentlemen to the dead languages, I conceive that when you are choosing men to fill situations for which the very first and most indispensable qualification is familiarity with foreign languages, it would be difficult to find a better test of their fitness than their classical acquirements.

Some persons have expressed doubts as to the possibility of procuring fair examinations. I am quite sure that no person who has been either at Cambridge or at Oxford can entertain such doubts. I feel, indeed, that I ought to apologise for even noticing an objection so frivolous.

Next to the opening of the China Trade, Sir, the change most eagerly demanded by the English people was, that the restrictions on the admission of Europeans to India should be removed. In this change there are undoubtedly very great advantages. The chief advantage is, I think, the improvement which the minds of our native subjects may be expected to derive from free intercourse with a people far advanced beyond themselves in intellectual cultivation. I cannot deny, however, that the advantages are attended with some danger.

The danger is that the new comers, belonging to the ruling nation, resembling in colour, in language, in manners, those who hold supreme military and political power, and differing in all these respects from the great mass of the population, may consider themselves as a superior class, and may trample on the indigenous race. Hitherto there have been strong restraints on Europeans resident in India. Licences were not easily obtained. Those residents

who were in the service of the Company had obvious motives for conducting themselves with propriety. If they incurred the serious displeasure of the Government, their hopes of promotion were blighted. Even those who were not in the public service were subject to the formidable power which the Government possessed of banishing them at its pleasure.

The licence of the Government will now no longer be necessary to persons who desire to reside in the settled provinces of India. The power of arbitrary deportation is withdrawn. Unless, therefore, we mean to leave the natives exposed to the tyranny and insolence of every profligate adventurer who may visit the East, we must place the European under the same power which legislates for the Hindoo. No man loves political freedom more than I. But a privilege enjoyed by a few individuals, in the midst of a vast population who do not enjoy it, ought not to be called freedom. It is tyranny. In the West Indies I have not the least doubt that the existence of the Trial by Jury and of Legislative Assemblies has tended to make the condition of the slaves worse than it would otherwise have been. Or, to go to India itself for an instance, though I fully believe that a mild penal code is better than a severe penal code, the worst of all systems was surely that of having a mild code for the Brahmins, who sprang from the head of the Creator, while there was a severe code for the Sudras, who sprang from his feet. India has suffered enough already from the distinction of castes, and from the deeply rooted prejudices which that distinction has engendered. God forbid that we should inflict on her the curse of a new caste, that we should send her a new breed of Brahmins, authorised to treat all the native population as Parias!

With a view to the prevention of this evil, we propose to give to the Supreme Government the

power of legislating for Europeans as well as for natives. We propose that the regulations of the Government shall bind the King's Court as they bind all other courts, and that registration by the Judges of the King's Courts shall no longer be necessary to give validity to those regulations within the towns of Calcutta, Madras, and Bombay.

I could scarcely, Sir, believe my ears when I heard this part of our plan condemned in another place. I should have thought that it would have been received with peculiar favour in that quarter where it has met with the most severe condemnation. What, at present, is the case? If the Supreme Court and the Government differ on a question of jurisdiction, or on a question of legislation within the towns which are the seats of Government, there is absolutely no umpire but the Imperial Parliament. The device of putting one wild elephant between two tame elephants was ingenious; but it may not always be practicable. Suppose a tame elephant between two wild elephants, or suppose that the whole herd should run wild together. The thing is not without example. And is it not most unjust and ridiculous that, on one side of a ditch, the edict of the Governor General should have the force of law, and that on the other side it should be of no effect unless registered by the Judges of the Supreme Court? If the registration be a security for good legislation, we are bound to give that security to all classes of our subjects. If the registration be not a security for good legislation, why give it to any? Is the system good? Extend it. Is it bad? Abolish it. But in the name of common sense do not leave it as it is. It is as absurd as our old law of sanctuary. The law which authorises imprisonment for debt may be good or bad. But no man in his senses can approve of the ancient system under which a debtor who might be arrested in Fleet Street was safe as

soon as he had scampered into Whitefriars. Just in the same way, doubts may fairly be entertained about the expediency of allowing four or five persons to make laws for India; but to allow them to make laws for all India without the Mahratta ditch, and to except Calcutta, is the height of absurdity.

I say, therefore, that either you must enlarge the power of the Supreme Court, and give it a general veto on laws, or you must enlarge the power of the Government, and make its regulations binding on all Courts without distinction. The former course no person has ventured to propose. To the latter course objections have been made; but objections which to me, I must own, seem altogether frivolous.

It is acknowledged that of late years inconvenience has arisen from the relation in which the Supreme Court stands to the Government. But, it is said, that Court was originally instituted for the protection of natives against Europeans. The wise course would therefore be to restore its original character.

Now, Sir, the fact is, that the Supreme Court has never been so mischievous as during the first ten years of its power, or so respectable as it has lately been. Everybody who knows anything of its early history knows, that, during a considerable time, it was the terror of Bengal, the scourge of the native population, the screen of European delinquents, a convenient tool of the Government for all purposes of evil, an insurmountable obstacle to the Government in all undertakings for the public good; that its proceedings were made up of pedantry, cruelty, and corruption; that its disputes with the Government were at one time on the point of breaking up the whole fabric of society; and that a convulsion was averted only by the dexterous policy of Warren Hastings, who at last bought off the opposition of the Chief Justice for eight thousand pounds a year.

It is notorious that, while the Supreme Court opposed Hastings in all his best measures, it was a thoroughgoing accomplice in his worst; that it took part in the most scandalous of those proceedings which, fifty years ago, roused the indignation of Parliament and of the country; that it assisted in the spoliation of the princesses of Oude; that it passed sentence of death on Nuncomar. And this is the Court which we are to restore from its present state of degeneracy to its original purity. This is the protection which we are to give to the natives against the Europeans. Sir, so far is it from being true that the character of the Supreme Court has deteriorated, that it has, perhaps, improved more than any other institution in India. But the evil lies deep in the nature of the institution itself. The Judges have in our time deserved the greatest respect. Their judgment and integrity have done much to mitigate the vices of the system. The worst charge that can be brought against any of them is that of pertinacity, disinterested, conscientious pertinacity, in error. The real evil is the state of the law. You have two supreme powers in India. There is no arbitrator except a Legislature fifteen thousand miles off. Such a system is on the face of it an absurdity in politics. My wonder is, not that this system has several times been on the point of producing fatal consequences to the peace and resources of India;—those, I think, are the words in which Warren Hastings described the effect of the contest between his government and the Judges;—but that it has not actually produced such consequences. The most distinguished members of the Indian Government, the most distinguished Judges of the Supreme Court, call upon you to reform this system. Sir Charles Metcalfe, Sir Charles Grey, represent with equal urgency the expediency of having one single paramount council armed with legislative power. The

admission of Europeans to India renders it absolutely necessary not to delay our decision. The effect of that admission would be to raise a hundred questions, to produce a hundred contests between the Council and the judicature. The Government would be paralysed at the precise moment at which all its energy was required. While the two equal powers were acting in opposite directions, the whole machine of the state would stand still. The Europeans would be uncontrolled. The natives would be unprotected. The consequences I will not pretend to foresee. Everything beyond is darkness and confusion.

Having given to the Government supreme legislative power, we next propose to give to it for a time the assistance of a Commission for the purpose of digesting and reforming the laws of India, so that those laws may, as soon as possible, be formed into a code. Gentlemen of whom I wish to speak with the highest respect have expressed a doubt whether India be at present in a fit state to receive a benefit which is not yet enjoyed by this free and highly civilised country. Sir, I can allow to this argument very little weight beyond that which it derives from the personal authority of those who use it. For, in the first place, our freedom and our high civilisation make this improvement, desirable as it must always be, less indispensably necessary to us than to our Indian subjects; and in the next place our freedom and civilisation, I fear, make it far more difficult for us to obtain this benefit for ourselves than to bestow it on them.

I believe that no country ever stood so much in need of a code of laws as India; and I believe also that there never was a country in which the want might so easily be supplied. I said that there were many points of analogy between the state of that country after the fall of the Mogul power, and the state of Europe after the fall of the Roman empire.

In one respect the analogy is very striking. As there were in Europe then, so there are in India now, several systems of law widely differing from each other, but coexisting and coequal. The indigenous population has its own laws. Each of the successive races of conquerors has brought with it its own peculiar jurisprudence: the Mussulman his Koran and the innumerable commentators on the Koran; the Englishman his Statute Book and his Term Reports. As there were established in Italy, at one and the same time, the Roman law, the Lombard law, the Ripuarian law, the Bavarian law, and the Salic law, so we have now in our Eastern Empire Hindoo law, Mahometan law, Parsee law, English law, perpetually mingling with each other and disturbing each other, varying with the person, varying with the place. In one and the same cause the process and pleadings are in the fashion of one nation, the judgment is according to the laws of another. An issue is evolved according to the rules of Westminster, and decided according to those of Benares. The only Mahometan book in the nature of a code is the Koran; the only Hindoo book the Institutes. Every body who knows those books knows that they provide for a very small part of the cases which must arise in every community. All beyond them is comment and tradition. Our regulations in civil matters do not define rights, but merely establish remedies. If a point of Hindoo law arises, the Judge calls on the Pundit for an opinion. If a point of Mahometan law arises, the Judge applies to the Cauzee. What the integrity of these functionaries is, we may learn from Sir William Jones. That eminent man declared that he could not answer it to his conscience to decide any point of law on the faith of a Hindoo expositor. Sir Thomas Strange confirms this declaration. Even if there were no suspicion of corruption on the part of the interpreters

of the law, the science which they profess is in such a state of confusion that no reliance can be placed on their answers. Sir Francis Macnaghten tells us, that it is a delusion to fancy that there is any known and fixed law under which the Hindoo people live; that texts may be produced on any side of any question; that expositors equal in authority perpetually contradict each other; that the obsolete law is perpetually confounded with the law actually in force, and that the first lesson to be impressed on a functionary who has to administer Hindoo law is that it is vain to think of extracting certainty from the books of the jurist. The consequence is that in practice the decisions of the tribunals are altogether arbitrary. What is administered is not law, but a kind of rude and capricious equity. I asked an able and excellent judge lately returned from India how one of our Zillah Courts would decide several legal questions of great importance, questions not involving considerations of religion or of caste, mere questions of commercial law. He told me, that it was a mere lottery. He knew how he should himself decide them. But he knew nothing more. I asked a most distinguished civil servant of the Company, with reference to the clause in this Bill on the subject of slavery, whether at present, if a dancing girl ran away from her master, the judge would force her to go back. "Some judges," he said, "send a girl back. Others set her at liberty. The whole is a mere matter of chance. Everything depends on the temper of the individual judge."

Even in this country, we have had complaints of judge-made law; even in this country, where the standard of morality is higher than in almost any other part of the world; where, during several generations, not one depositary of our legal traditions has incurred the suspicion of personal corruption; where there are popular institutions; where every

decision is watched by a shrewd and learned audience; where there is an intelligent and observant public; where every remarkable case is fully reported in a hundred newspapers; where, in short, there is everything which can mitigate the evils of such a system. But judge-made law, where there is an absolute government and a lax morality, where there is no bar and no public, is a curse and a scandal not to be endured. It is time that the magistrate should know what law he is to administer, that the subject should know under what law he is to live. We do not mean that all the people of India should live under the same law: far from it: there is not a word in the bill, there was not a word in my right honorable friend's speech, susceptible of such an interpretation. We know how desirable that object is; but we also know that it is unattainable. We know that respect must be paid to feelings generated by differences of religion, of nation, and of caste. Much, I am persuaded, may be done to assimilate the different systems of law without wounding those feelings. But, whether we assimilate those systems or not, let us ascertain them; let us digest them. We propose no rash innovation; we wish to give no shock to the prejudices of any part of our subjects. Our principle is simply this; uniformity where you can have it; diversity where you must have it; but in all cases certainty.

As I believe that India stands more in need of a code than any other country in the world, I believe also that there is no country on which that great benefit can more easily be conferred. A code is almost the only blessing, perhaps it is the only blessing, which absolute governments are better fitted to confer on a nation than popular governments. The work of digesting a vast and artificial system of unwritten jurisprudence is far more easily performed, and far better performed, by few minds

than by many, by a Napoleon than by a Chamber of Deputies and a Chamber of Peers, by a government like that of Prussia or Denmark than by a government like that of England. A quiet knot of two or three veteran jurists is an infinitely better machinery for such a purpose than a large popular assembly divided, as such assemblies almost always are, into adverse factions. This seems to me, therefore, to be precisely that point of time at which the advantage of a complete written code of laws may most easily be conferred on India. It is a work which cannot be well performed in an age of barbarism, which cannot without great difficulty be performed in an age of freedom. It is a work which especially belongs to a government like that of India, to an enlightened and paternal despotism.

I have detained the House so long, Sir, that I will defer what I had to say on some parts of this measure, important parts, indeed, but far less important, as I think, than those to which I have adverted, till we are in Committee. There is, however, one part of the bill on which, after what has recently passed elsewhere, I feel myself irresistibly impelled to say a few words. I allude to that wise, that benevolent, that noble clause, which enacts that no native of our Indian empire shall, by reason of his colour, his descent, or his religion, be incapable of holding office. At the risk of being called by that nickname which is regarded as the most opprobrious of all nicknames by men of selfish hearts and contracted minds, at the risk of being called a philosopher, I must say that, to the last day of my life, I shall be proud of having been one of those who assisted in the framing of the bill which contains that clause. We are told that the time can never come when the natives of India can be admitted to high civil and military office. We are told that this is the condition on which we hold our power. We

are told, that we are bound to confer on our subjects every benefit—which they are capable of enjoying? —no;—which it is in our power to confer on them? —no;—but which we can confer on them without hazard to the perpetuity of our own domination. Against that proposition I solemnly protest as inconsistent alike with sound policy and sound morality.

I am far, very far, from wishing to proceed hastily in this most delicate matter. I feel that, for the good of India itself, the admission of natives to high office must be effected by slow degrees. But that, when the fulness of time is come, when the interest of India requires the change, we ought to refuse to make that change lest we should endanger our own power, this is a doctrine of which I cannot think without indignation. Governments, like men, may buy existence too dear. "Propter vitam vivendi perdere causas," is a despicable policy both in individuals and in states. In the present case, such a policy would be not only despicable, but absurd. The mere extent of empire is not necessarily an advantage. To many governments it has been cumbersome; to some it has been fatal. It will be allowed by every statesman of our time that the prosperity of a community is made up of the prosperity of those who compose the community, and that it is the most childish ambition to covet dominion which adds to no man's comfort or security. To the great trading nation, to the great manufacturing nation, no progress which any portion of the human race can make in knowledge, in taste for the conveniences of life, or in the wealth by which those conveniences are produced, can be matter of indifference. It is scarcely possible to calculate the benefits which we might derive from the diffusion of European civilisation among the vast population of the East. It would be, on the most selfish view of the case, far better for us that the people of India

were well governed and independent of us, than ill governed and subject to us; that they were ruled by their own kings, but wearing our broadcloth, and working with our cutlery, than that they were performing their salaams to English collectors and English magistrates, but were too ignorant to value, or too poor to buy, English manufactures. To trade with civilised men is infinitely more profitable than to govern savages. That would, indeed, be a doting wisdom, which, in order that India might remain a dependency, would make it an useless and costly dependency, which would keep a hundred millions of men from being our customers in order that they might continue to be our slaves.

It was, as Bernier tells us, the practice of the miserable tyrants whom he found in India, when they dreaded the capacity and spirit of some distinguished subject, and yet could not venture to murder him, to administer to him a daily dose of the pousta, a preparation of opium, the effect of which was in a few months to destroy all the bodily and mental powers of the wretch who was drugged with it, and to turn him into a helpless idiot. The detestable artifice, more horrible than assassination itself, was worthy of those who employed it. It is no model for the English nation. We shall never consent to administer the pousta to a whole community, to stupify and paralyse a great people whom God has committed to our charge, for the wretched purpose of rendering them more amenable to our control. What is power worth if it is founded on vice, on ignorance, and on misery; if we can hold it only by violating the most sacred duties which as governors we owe to the governed, and which, as a people blessed with far more than an ordinary measure of political liberty and of intellectual light, we owe to a race debased by three thousand years of despotism and priestcraft? We are free, we are

civilised, to little purpose, if we grudge to any portion of the human race an equal measure of freedom and civilisation.

Are we to keep the people of India ignorant in order that we may keep them submissive? Or do we think that we can give them knowledge without awakening ambition? Or do we mean to awaken ambition and to provide it with no legitimate vent? Who will answer any of these questions in the affirmative? Yet one of them must be answered in the affirmative, by every person who maintains that we ought permanently to exclude the natives from high office. I have no fears. The path of duty is plain before us: and it is also the path of wisdom, of national prosperity, of national honour.

The destinies of our Indian Empire are covered with thick darkness. It is difficult to form any conjecture as to the fate reserved for a state which resembles no other in history, and which forms by itself a separate class of political phenomena. The laws which regulate its growth and its decay are still unknown to us. It may be that the public mind of India may expand under our system till it has outgrown that system; that by good government we may educate our subjects into a capacity for better government; that, having become instructed in European knowledge, they may, in some future age, demand European institutions. Whether such a day will ever come I know not. But never will I attempt to avert or to retard it. Whenever it comes, it will be the proudest day in English history. To have found a great people sunk in the lowest depths of slavery and superstition, to have so ruled them as to have made them desirous and capable of all the privileges of citizens, would indeed be a title to glory all our own. The sceptre may pass away from us. Unforeseen accidents may derange our most profound schemes of policy. Victory may be inconstant to our arms. But there are

triumphs which are followed by no reverse. There is an empire exempt from all natural causes of decay. Those triumphs are the pacific triumphs of reason over barbarism; that empire is the imperishable empire of our arts and our morals, our literature and our laws.

A SPEECH

DELIVERED AT

EDINBURGH ON THE 29TH OF MAY, 1839.

The elevation of Mr. Abercromby to the peerage in May, 1839, caused a vacancy in the representation of the city of Edinburgh. A meeting of the electors was called to consider of the manner in which the vacancy should be supplied. At this meeting the following Speech was made.

MY LORD PROVOST AND GENTLEMEN,

AT the request of a very large and respectable portion of your body, I appear before you as a candidate for a high and solemn trust, which, uninvited, I should have thought it presumption to solicit, but which, thus invited, I should think it cowardice to decline. If I had felt myself justified in following my own inclinations, I am not sure that even a summons so honourable as that which I have received would have been sufficient to draw me away from pursuits far better suited to my taste and temper than the turmoil of political warfare. But I feel that my lot is cast in times in which no man is free to judge, merely according to his own taste and temper, whether he will devote himself to active or to contemplative life; in times in which society has a right to demand, from every one of its members, active and strenuous exertions. I have, therefore, obeyed your call; and I now present myself before

you for the purpose of offering to you, not, what I am sure you would reject with disdain, flattery, degrading alike to a candidate, and to a constituent body; but such reasonable, candid, and manly explanations as become the mouth of a free man ambitious of the confidence of a free people.

It is hardly necessary for me to say that I stand here unconnected with this great community. It would be mere affectation not to acknowledge that with respect to local questions I have much to learn; but I hope that you will find in me no sluggish or inattentive learner. From an early age I have felt a strong interest in Edinburgh, although attached to Edinburgh by no other ties than those which are common to me with multitudes; that tie which attaches every man of Scottish blood to the ancient and renowned capital of our race; that tie which attaches every student of history to the spot ennobled by so many great and memorable events; that tie which attaches every traveller of taste to the most beautiful of British cities; and that tie which attaches every lover of literature to a place which, since it has ceased to be the seat of empire, has derived from poetry, philosophy, and eloquence a far higher distinction than empire can bestow. If to those ties it shall now be your pleasure to add a tie still closer and more peculiar, I can only assure you that it shall be the study of my life so to conduct myself in these our troubled times that you may have no reason to be ashamed of your choice.

Those gentlemen who invited me to appear as a candidate before you were doubtless acquainted with the part which I took in public affairs during the three first Parliaments of the late King. Circumstances have since that time undergone great alteration; but no alteration has taken place in my principles. I do not mean to say that thought, discussion, and the new phenomena produced by the operation

of a new representative system, have not led me to modify some of my views on questions of detail; but, with respect to the fundamental principles of government, my opinions are still what they were when, in 1831 and 1832, I took part, according to the measure of my abilities, in that great pacific victory which purified the representative system of England, and which first gave a real representative system to Scotland. Even at that time, Gentlemen, the leaning of my mind was in favour of one measure to which the illustrious leader of the Whig party, whose name ought never to be mentioned without gratitude and reverence in any assembly of British electors, I mean Earl Grey, was understood to entertain strong objections, and to which his Cabinet, as a Cabinet, was invariably opposed. I speak of the vote by ballot. All that has passed since that time confirms me in the view which I was then inclined to take of that important question. At the same time I do not think that all the advantages are on one side and all the disadvantages on the other. I must admit that the effect of the practice of secret voting would be to withdraw the voter from the operation of some salutary and honorable, as well as of some pernicious and degrading motives. But seeing, as I cannot help seeing, that the practice of intimidation, instead of diminishing, is gaining ground, I am compelled to consider whether the time has not arrived when we are bound to apply what seems the only efficient remedy. And I am compelled to consider whether, in doing so, I am not strictly following the principles of the Reform Bill to the legitimate conclusions. For surely those who supported the Reform Bill intended to give the people of Britain a reality, not a delusion; to destroy nomination, and not to make an outward show of destroying it; to bestow the franchise, and not the name of the franchise; and least of all, to give

suffering and humiliation under the name of the franchise. If men are to be returned to Parliament, not by popular election, but by nomination, then I say without hesitation that the ancient system was much the best. Both systems alike sent men to Parliament who were not freely chosen by independent constituent bodies: but under the old system there was little or no need of intimidation, while, under the new system, we have the misery and disgrace produced by intimidation added to the process. If, therefore, we are to have nomination, I prefer the nomination which used to take place at Old Sarum to the nomination which now takes place at Newark. In both cases you have members returned at the will of one landed proprietor: but at Newark you have two hundred ejectments into the bargain, to say nothing of the mortification and remorse endured by all those who, though they were not ejected, yet voted against their consciences from fear of ejectment.

There is perhaps no point on which good men of all parties are more completely agreed than on the necessity of restraining and punishing corruption in the election of Members of Parliament. The evils of corruption are doubtless very great; but it appears to me that those evils which are attributed to corruption may, with equal justice, be attributed to intimidation, and that intimidation produces also some monstrous evils with which corruption cannot be reproached. In both cases alike the elector commits a breach of trust. In both cases alike he employs for his own advantage an important power which was confided to him, that it might be used, to the best of his judgment, for the general good of the community. Thus far corruption and intimidation operate in the same manner. But there is this difference betwixt the two systems; corruption operates by giving pleasure, intimidation by giving pain. To give a poor man five pounds causes nc

pain: on the contrary it produces pleasure. It is in itself no bad act: indeed, if the five pounds were given on another occasion, and without a corrupt object, it might pass for a benevolent act. But to tell a man that you will reduce him to a situation in which he will miss his former comforts, and in which his family will be forced to beg their bread, is a cruel act. Corruption has a sort of illegitimate relationship to benevolence, and engenders some feelings of a cordial and friendly nature. There is a notion of charity connected with the distribution of the money of the rich among the needy, even in a corrupt manner. The comic writer who tells us that the whole system of corruption is to be considered as a commerce of generosity on one side and of gratitude on the other, has rather exaggerated than misrepresented what really takes place in many of these English constituent bodies where money is lavished to conciliate the favour and obtain the suffrages of the people. But in intimidation the whole process is an odious one. The whole feeling on the part of the elector is that of shame, degradation, and hatred of the person to whom he has given his vote. The elector is indeed placed in a worse situation than if he had no vote at all; for there is not one of us who would not rather be without a vote than be compelled to give it to the person whom he dislikes above all others.

Thinking, therefore, that the practice of intimidation has all the evils which are to be found in corruption, and that it has other evils which are not to be found in corruption, I was naturally led to consider whether it was possible to prevent it by any process similar to that by which corruption is restrained. Corruption, you all know, is the subject of penal laws. If it is brought home to the parties, they are liable to severe punishment. Although it is not often that it can be brought home, yet there are instances. I remember several men of large pro-

perty confined in Newgate for corruption. Penalties have been awarded against offenders to the amount of five hundred pounds. Many members of Parliament have been unseated on account of the malpractices of their agents. But you cannot, I am afraid, repress intimidation by penal laws. Such laws would infringe the most sacred rights of property. How can I require a man to deal with tradesmen who have voted against him, or to renew the leases of tenants who have voted against him? What is it that the Jew says in the play?

> "I'll not answer that,
> But say it is my humour."

Or, as a Christian of our own time has expressed himself, "I have a right to do what I will with my own." There is a great deal of weight in the reasoning of Shylock and the Duke of Newcastle. There would be an end of the right of property if you were to interdict a landlord from ejecting a tenant, if you were to force a gentleman to employ a particular butcher, and to take as much beef this year as last year. The principle of the right of property is that a man is not only to be allowed to dispose of his wealth rationally and usefully, but to be allowed to indulge his passions and caprices, to employ whatever tradesmen and labourers he chooses, and to let, or refuse to let, his land according to his own pleasure, without giving any reason or asking anybody's leave. I remember that, on one of the first evenings on which I sate in the House of Commons, Mr. Poulett Thompson proposed a censure on the Duke of Newcastle for His Grace's conduct towards the electors of Newark. Sir Robert Peel opposed the motion, not only with considerable ability, but with really unanswerable reasons. He asked if it was meant that a tenant who voted against his landlord was to keep his lease for ever.

If so, tenants would vote against a landlord to secure themselves, as they now vote with a landlord to secure themselves. I thought, and think, this argument unanswerable; but then it is unanswerable in favour of the ballot; for, if it be impossible to deal with intimidation by punishment, you are bound to consider whether there be any means of prevention; and the only mode of prevention that has ever been suggested is the ballot. That the ballot has disadvantages to be set off against its advantages, I admit; but it appears to me that we have only a choice of evils, and that the evils for which the ballot is a specific remedy are greater than any which the ballot is likely to produce. Observe with what exquisite accuracy the ballot draws the line of distinction between the power which we ought to give to the proprietor and the power which we ought not to give him. It leaves the proprietor the absolute power to do what he will with his own. Nobody calls upon him to say why he ejected this tenant, or took away his custom from that tradesman. It leaves him at liberty to follow his own tastes, to follow his strangest whims. The only thing which it puts beyond his power is the vote of the tenant, the vote of the tradesman, which it is our duty to protect. I ought at the same time to say, that there is one objection to the ballot of a very serious nature, but which I think may, nevertheless, be obviated. It is quite clear that, if the ballot shall be adopted, there will be no remedy for an undue return by a subsequent scrutiny. Unless, therefore, the registration of votes can be counted on as correct, the ballot will undoubtedly lead to great inconvenience. It seems, therefore, that a careful revision of the whole system of registration, and an improvement of the tribunal before which the rights of the electors are to be established, should be an inseparable part of any measure by which the ballot is to be introduced.

As to those evils which we have been considering, they are evils which are practically felt; they are evils which press hard upon a large portion of the constituent body; and it is not therefore strange, that the cry for a remedy should be loud and urgent. But there is another subject, respecting which I am told that many among you are anxious, a subject of a very different description. I allude to the duration of Parliaments.

It must be admitted that for some years past we have had little reason to complain of the length of Parliaments. Since the year 1830 we have had five general elections; two occasioned by the deaths of two Sovereigns, and three by political conjunctures. As to the present Parliament, I do not think that, whatever opinion gentlemen may entertain of the conduct of that body, they will impute its faults to any confidence which the members have that they are to sit for seven years; for I very much question whether there be one gentleman in the House of Commons who thinks, or has ever thought, that his seat is worth three years' purchase. When, therefore, we discuss this question, we must remember that we are discussing a question not immediately pressing.

I freely admit, however, that this is no reason for not fairly considering the subject: for it is the part of wise men to provide against evils which, though not actually felt, may be reasonably apprehended. It seems to me that here, as in the case of the ballot, there are serious considerations to be urged on both sides. The objections to long Parliaments are perfectly obvious. The truth is that, in very long Parliaments, you have no representation at all. The mind of the people goes on changing; and the Parliament, remaining unchanged, ceases to reflect the opinion of the constituent bodies. In the old times before the Revolution, a Parliament might sit

during the life of a monarch. Parliaments were then sometimes of eighteen or twenty years' duration. Thus the Parliament called by Charles the Second soon after his return from exile, and elected when the nation was drunk with hope and convulsed by a hysterical paroxysm of loyalty, continued to sit long after two thirds of those who had heartily welcomed the King back from Holland as heartily wished him in Holland again. Since the Revolution we have not felt that evil to the same extent; but it must be admitted that the term of seven years is too long. There are, however, other considerations to set off against this. There are two very serious evils connected with every general election: the first is, the violent political excitement: the second is, the ruinous expense. Both these evils were very greatly diminished by the Reform Act. Formerly, these were things which you in Scotland knew nothing about; but in England the injury to the peace and morals of society resulting from a general election was incalculable. During a fifteen days' poll in a town of one hundred thousand inhabitants, money was flowing in all directions; the streets were running with beer; all business was suspended; and there was nothing but disturbance and riot, and slander, and calumny, and quarrels, which left in the bosoms of private families heartburnings such as were not extinguished in the course of many years. By limiting the duration of the poll, the Reform Act has conferred as great a blessing on the country,—and that is saying a bold word,—as by any other provision which it contains. Still it is not to be denied that there are evils inseparable from that state of political excitement into which every community is thrown by the preparations for an election. A still greater evil is the expense. That evil too has been diminished by the operation of the Reform Act; but it still exists to a considerable extent. We

do not now indeed hear of such elections as that of Yorkshire in 1807, or that of Northumberland in 1827. We do not hear of elections that cost two hundred thousand pounds. But that the tenth part of that sum, nay, that the hundredth part of that sum should be expended in a contest, is a great evil. Do not imagine, Gentlemen, that all this evil falls on the candidates. It is on you that the evil falls. The effect must necessarily be to limit you in your choice of able men to serve you. The number of men who can advance fifty thousand pounds is necessarily much smaller than the number of men who can advance five thousand pounds; the number of these again, is much smaller than the number of those who can advance five hundred pounds; and the number of men who can advance five hundred pounds every three years is necessarily smaller than the number of those who can advance five hundred pounds every seven years. Therefore it seems to me that the question is one of comparison. In long Parliaments the representative character is in some measure effaced. On the other side, if you have short Parliaments, your choice of men will be limited. Now in all questions of this sort, it is the part of wisdom to weigh, not indeed with minute accuracy, —for questions of civil prudence cannot be subjected to an arithmetical test,—but to weigh the advantages and disadvantages carefully, and then to strike the balance. Gentlemen will probably judge according to their habits of mind, and according to their opportunities of observation. Those who have seen much of the evils of elections will probably incline to long Parliaments; those who have seen little or nothing of these evils will probably incline to a short term. Only observe this, that, whatever may be the legal term, it ought to be a year longer than that for which Parliaments ought ordinarily to sit. For there must be a general

election at the end of the legal term, let the state of the country be what it may. There may be riot; there may be revolution; there may be famine in the country; and yet if the Minister wait to the end of the legal term, the writs must go out. A wise Minister will therefore always dissolve the Parliament a year before the end of the legal term, if the country be then in a quiet state. It has now been long the practice not to keep a Parliament more than six years. Thus the Parliament which was elected in 1784 sate till 1790, six years; the Parliament of 1790 till 1796, the Parliament of 1796 to 1802, the Parliament of 1812 to 1818, and the Parliament of 1820 till 1826. If, therefore, you wish the duration of Parliaments to be shortened to three years, the proper course would be to fix the legal term at four years; and if you wish them to sit for four years, the proper course would be to fix the legal term at five years. My own inclination would be to fix the legal term at five years, and thus to have a Parliament practically every four years. I ought to add that, whenever any shortening of Parliaments takes place, we ought to alter that rule which requires that Parliament shall be dissolved as often as a demise of the Crown takes place. It is a rule for which no statesmanlike reason can be given; it is a mere technical rule; and it has already been so much relaxed that, even considered as a technical rule, it is absurd.

I come now to another subject, of the highest and gravest importance: I mean the elective franchise; and I acknowledge that I am doubtful whether my opinions on this subject may be so pleasing to many here present as, if I may judge from your expressions, my sentiments on other subjects have been. I shall express my opinions, however, on this subject as frankly as I have expressed them when they may have been more pleasing. I shall express

them with the frankness of a man who is more desirous to gain your esteem than to gain your votes. I am for the original principle of the Reform Bill. I think that principle excellent; and I am sorry that we ever deviated from it. There were two deviations to which I was strongly opposed, and to which the authors of the bill, hard pressed by their opponents and feebly supported by their friends, very unwillingly consented. One was the admission of the freemen to vote in towns: the other was the admission of the fifty pound tenants at will to vote in counties. At the same time I must say that I despair of being able to apply a direct remedy to either of these evils. The ballot might perhaps be an indirect remedy for the latter. I think that the system of registration should be amended, that the clauses relating to the payment of rates should be altered, or altogether removed, and that the elective franchise should be extended to every ten pound householder, whether he resides within or without the limits of a town. To this extent I am prepared to go; but I should not be dealing with the ingenuousness which you have a right to expect, if I did not tell you that I am not prepared to go farther. There are many other questions as to which you are entitled to know the opinions of your representative: but I shall only glance rapidly at the most important. I have ever been a most determined enemy to the slave trade, and to personal slavery under every form. I have always been a friend to popular education. I have always been a friend to the right of free discussion. I have always been adverse to all restrictions on trade, and especially to those restrictions which affect the price of the necessaries of life. I have always been adverse to religious persecution, whether it takes the form of direct penal laws, or of civil disabilities.

Now, having said so much upon measures, I hope

you will permit me to say something about men. If you send me as your representative to Parliament, I wish you to understand that I shall go there determined to support the present ministry. I shall do so not from any personal interest or feeling. I have certainly the happiness to have several kind and much valued friends among the members of the Government; and there is one member of the government, the noble President of the Council, to whom I owe obligations which I shall always be proud to avow. That noble Lord, when I was utterly unknown in public life, and scarcely known even to himself, placed me in the House of Commons; and it is due to him to say that he never in the least interfered with the freedom of my parliamentary conduct. I have since represented a great constituent body, for whose confidence and kindness I can never be sufficiently grateful, I mean the populous borough of Leeds. I may possibly by your kindness be placed in the proud situation of Representative of Edinburgh; but I never could and never can be a more independent Member of the House of Commons than when I sat there as the nominee of Lord Lansdowne. But, while I acknowledge my obligations to that noble person, while I avow the friendship which I feel for many of his colleagues, it is not on such grounds that I vindicate the support which it is my intention to give them. I have no right to sacrifice your interests to my personal or private feelings: my principles do not permit me to do so; nor do my friends expect that I should do so. The support which I propose to give to the present Ministry I shall give on the following grounds. I believe the present Ministry to be by many degrees the best Ministry which, in the present state of the country, can be formed. I believe that we have only one choice. I believe that our choice is between a Ministry substantially,—for of course I do not speak

of particular individuals,—between a Ministry substantially the same that we have, and a Ministry under the direction of the Duke of Wellington and Sir Robert Peel. I do not hesitate to pronounce that my choice is in favour of the former. Some gentleman appears to dissent from what I say. If I knew what his objections are, I would try to remove them. But it is impossible to answer inarticulate noises. Is the objection that the Government is too conservative? Or is the objection that the Government is too radical? If I understand rightly, the objection is that the Government does not proceed vigorously enough in the work of Reform. To that objection then I will address myself. Now, I am far from denying that the Ministers have committed faults. But, at the same time, I make allowances for the difficulties with which they are contending; and, having made these allowances, I confidently say that, when I look back at the past, I think them entitled to praise, and that, looking forward to the future, I can pronounce with still more confidence that they are entitled to support.

It is a common error, and one which I have found among men, not only intelligent, but much conversant in public business, to think that in politics, legislation is everything and administration nothing. Nothing is more usual than to hear people say, "What! another session gone and nothing done; no new bills passed; the Irish Municipal Bill stopped in the House of Lords. How could we be worse off if the Tories were in?" My answer is that, if the Tories were in our legislation would be in as bad a state as at present, and we should have a bad administration into the bargain. It seems strange to me that gentlemen should not be aware that it may be better to have unreformed laws administered in a reforming spirit, than reformed laws administered in a spirit hostile to all reform. We often hear the

maxim, "Measures not men," and there is a sense in which it is an excellent maxim. Measures not men, certainly: that is, we are not to oppose Sir Robert Peel simply because he is Sir Robert Peel, or to support Lord John Russell simply because he is Lord John Russell. We are not to follow our political leaders in the way in which my honest Highland ancestors followed their chieftains. We are not to imitate that blind devotion which led all the Campbells to take the side of George the Second because the Duke of Argyle was a Whig, and all the Camerons to take the side of the Stuarts because Lochiel was a Jacobite. But if you mean that, while the laws remain the same, it is unimportant by whom they are administered, then I say that a doctrine more absurd was never uttered. Why, what are laws? They are mere words; they are a dead letter till a living agent comes to put life into them. This is the case even in judicial matters. You can tie up the judges of the land much more closely than it would be right to tie up the Secretary for the Home Department or the Secretary for Foreign Affairs. Yet is it immaterial whether the laws be administered by Chief Justice Hale or Chief Justice Jeffreys? And can you doubt that the case is still stronger when you come to political questions? It would be perfectly easy, as many of you must be aware, to point out instances in which society has prospered under defective laws, well administered, and other instances in which society has been miserable under institutions that looked well on paper. But we need not go beyond our own country and our own times. Let us see what, within this island and in the present year, a good administration has done to mitigate bad laws. For example, let us take the law of libel. I hold the present state of our law of libel to be a scandal to a civilised community. Nothing more absurd can be found in the whole history of jurisprudence. How the law of

libel was abused formerly, you all know. You all know how it was abused under the administrations of Lord North, of Mr. Pitt, of Mr. Perceval, of the Earl of Liverpool; and I am sorry to say that it was abused, most unjustifiably abused, by Lord Abinger, under the administration of the Duke of Wellington and Sir Robert Peel. Now is there any person who will pretend to say that it has ever been abused by the Government of Lord Melbourne? That Government has enemies in abundance; it has been attacked by Tory malcontents and by Radical malcontents; but has any one of them ever had the effrontery to say that it has abused the power of filing *ex officio* informations for libel? Has this been from want of provocation? On the contrary, the present Government has been libelled in a way in which no Government was ever libelled before. Has the law been altered? Has it been modified? Not at all. We have exactly the same laws that we had when Mr. Perry was brought to trial for saying that George the Third was unpopular, Mr. Leigh Hunt for saying that George the Fourth was fat, and Sir Francis Burdett for expressing, not perhaps in the best taste, a natural and honest indignation at the slaughter which took place at Manchester in 1819. The law is precisely the same; but if it had been entirely remodelled, political writers could not have had more liberty than they have enjoyed since Lord Melbourne came into power.

I have given you an instance of the power of a good administration to mitigate a bad law. Now, see how necessary it is that there should be a good administration to carry a good law into effect. An excellent bill was brought into the House of Commons by Lord John Russell in 1828, and passed. To any other man than Lord John Russell the carrying of such a bill would have been an enviable distinction indeed; but his name is identified with

still greater reforms. It will, however, always be accounted one of his titles to public gratitude that he was the author of the law which repealed the Test Act. Well, a short time since, a noble peer, the Lord Lieutenant of the county of Nottingham, thought fit to re-enact the Test Act, so far as that county was concerned. I have already mentioned his Grace the Duke of Newcastle, and, to say truth, there is no life richer in illustrations of all forms and branches of misgovernment than his. His Grace very coolly informed Her Majesty's Ministers that he had not recommended a certain gentleman for the commission of the peace because the gentleman was a Dissenter. Now here is a law which admits Dissenters to offices; and a Tory nobleman takes it on himself to rescind that law. But happily we have Whig ministers. What did they do? Why, they put the Dissenter into the Commission; and they turned the Tory nobleman out of the Lieutenancy. Do you seriously imagine that under a Tory administration this would have been done? I have no wish to say anything disrespectful of the great Tory leaders. I shall always speak with respect of the great qualities and public services of the Duke of Wellington: I have no other feeling about him than one of pride that my country has produced so great a man; nor do I feel anything but respect and kindness for Sir Robert Peel, of whose abilities no person that has had to encounter him in debate will ever speak slightingly. I do not imagine that those eminent men would have approved of the conduct of the Duke of Newcastle. I believe that the Duke of Wellington would as soon have thought of running away from the field of battle as of doing the same thing in Hampshire, where he is Lord Lieutenant. But do you believe that he would have turned the Duke of Newcastle out? I believe that he would not. As Mr. Pulteney, a great political leader, said

a hundred years since, "The heads of parties are, like the heads of snakes, carried on by the tails." It would have been utterly impossible for the Tory Ministers to have discarded the powerful Tory Duke, unless they had at the same time resolved, like Mr. Canning in 1827, to throw themselves for support on the Whigs.

Now I have given you these two instances to show that a change in the administration may produce all the effects of a change in the law. You see that to have a Tory Government is virtually to re-enact the Test Act, and that to have a Whig Government is virtually to repeal the law of libel. And if this is the case in England and Scotland, where society is in a sound state, how much more must it be the case in the diseased part of the empire, in Ireland? Ask any man there, whatever may be his religion, whatever may be his politics, Churchman, Presbyterian, Roman Catholic, Repealer, Precursor, Orangeman, ask Mr. O'Connell, ask Colonel Conolly, whether it is a slight matter in whose hands the executive power is lodged. Every Irishman will tell you that it is a matter of life and death; that in fact more depends upon the men than upon the laws. It disgusts me therefore to hear men of liberal politics say, "What is the use of a Whig Government? The Ministers can do nothing for the country. They have been four years at work on an Irish Municipal Bill, without being able to pass it through the Lords." Would any ten Acts of Parliament make such a difference to Ireland as the difference between having Lord Ebrington for Lord Lieutenant, with Lord Morpeth for Secretary, and having the Earl of Roden for Lord Lieutenant, with Mr. Lefroy for Secretary? Ask the popular Irish leaders whether they would like better to remain as they are, with Lord Ebrington as Lord Lieutenant, or to have the Municipal Bill, and any other three bills which they might name,

with Lord Roden for Viceroy; and they will at once answer, "Leave us Lord Ebrington; and burn your bills." The truth is that, the more defective the legislation, the more important is a good administration, just as the personal qualities of a Sovereign are of more importance in despotic countries like Russia than in a limited monarchy. If we have not in our Statute Book all the securities necessary for good government, it is of the more importance that the character of the men who administer the government should be an additional security.

But we are told that the Government is weak. That is most true: and I believe that almost all that we are tempted to blame in the conduct of the Government is to be attributed to weakness. But let us consider what the nature of this weakness is. Is it that kind of weakness which makes it our duty to oppose the Government? Or is it that kind of weakness which makes it our duty to support the Government? Is it intellectual weakness, moral weakness, the incapacity to discern, or the want of courage to pursue, the true interest of the nation? Such was the weakness of Mr. Addington, when this country was threatened with invasion from Boulogne. Such was the weakness of the Government which sent out the wretched Walcheren expedition, and starved the Duke of Wellington in Spain; a government whose only strength was shown in prosecuting writers who exposed abuses, and in slaughtering rioters whom oppression had driven into outrage. Is that the weakness of the present Government? I think not. As compared with any other party capable of holding the reins of Government, they are deficient neither in intellectual nor in moral strength. On all great questions of difference between the Ministers and the Opposition, I hold the Ministers to be in the right. When I consider the difficulties with which they have to struggle, when

I see how manfully that struggle is maintained by Lord Melbourne, when I see that Lord John Russell has excited even the admiration of his opponents by the heroic manner in which he has gone on, year after year, in sickness and domestic sorrow, fighting the battle of Reform, I am led to the conclusion that the weakness of the Ministers is of that sort which makes it our duty to give them, not opposition, but support; and that support it is my purpose to afford to the best of my ability.

If, indeed, I thought myself at liberty to consult my own inclination, I should have stood aloof from the conflict. If you should be pleased to send me to Parliament, I shall enter an assembly very different from that which I quitted in 1834. I left the Whigs united and dominant, strong in the confidence and attachment of one House of Parliament, strong also in the fears of the other. I shall return to find them helpless in the Lords, and forced almost every week to fight a battle for existence in the Commons. Many, whom I left bound together by what seemed indissoluble private and public ties, I shall now find assailing each other with more than the ordinary bitterness of political hostility. Many with whom I sate side by side, contending through whole nights for the Reform Bill, till the sun broke over the Thames on our undiminished ranks, I shall now find on hostile benches. I shall be compelled to engage in painful altercations with many with whom I had hoped never to have a conflict, except in the generous and friendly strife which should best serve the common cause. I left the Liberal Government strong enough to maintain itself against an adverse Court; I see that the Liberal Government now rests for support on the preference of a sovereign, in whom the country sees with delight the promise of a better, a gentler, a happier Elizabeth, of a sovereign in whom we hope that our children and our grandchildren will admire

the firmness, the sagacity, and the spirit which distinguished the last and greatest of the Tudors, tempered by the beneficent influence of more humane times and more popular institutions. Whether royal favour, never more needed and never better deserved, will enable the Government to surmount the difficulties with which it has to deal, I cannot presume to judge. It may be that the blow has only been deferred for a season, and that a long period of Tory domination is before us. Be it so. I entered public life a Whig; and a Whig I am determined to remain. I use that word, and I wish you to understand that I use it, in no narrow sense. I mean by a Whig, not one who subscribes implicitly to the contents of any book, though that book may have been written by Locke; not one who approves the whole conduct of any statesman, though that statesman may have been Fox; not one who adopts the opinions in fashion in any circle, though that circle may be composed of the finest and noblest spirits of the age. But it seems to me that, when I look back on our history, I can discern a great party which has, through many generations, preserved its identity; a party often depressed, never extinguished; a party which, though often tainted with the faults of the age, has always been in advance of the age; a party which, though guilty of many errors and some crimes, has the glory of having established our civil and religious liberties on a firm foundation; and of that party I am proud to be a member. It was that party which, on the great question of monopolies, stood up against Elizabeth. It was that party which, in the reign of James the First, organized the earliest parliamentary opposition, which steadily asserted the privileges of the people, and wrested prerogative after prerogative from the Crown. It was that party which forced Charles the First to relinquish the ship-money. It was that party which destroyed the Star Chamber

and the High Commission Court. It was that party which, under Charles the Second, carried the Habeas Corpus Act, which effected the Revolution, which passed the Toleration Act, which broke the yoke of a foreign church in your country, and which saved Scotland from the fate of unhappy Ireland. It was that party which reared and maintained the constitutional throne of Hanover against the hostility of the Church and of the landed aristocracy of England. It was that party which opposed the war with America and the war with the French Republic; which imparted the blessings of our free Constitution to the Dissenters; and which, at a later period, by unparalleled sacrifices and exertions, extended the same blessings to the Roman Catholics. To the Whigs of the seventeenth century we owe it that we have a House of Commons. To the Whigs of the nineteenth century we owe it that the House of Commons has been purified. The abolition of the slave trade, the abolition of colonial slavery, the extension of popular education, the mitigation of the rigour of the penal code, all, all were effected by that party; and of that party, I repeat, I am a member. I look with pride on all that the Whigs have done for the cause of human freedom and of human happiness. I see them now hard pressed, struggling with difficulties, but still fighting the good fight. At their head I see men who have inherited the spirit and the virtues, as well as the blood, of old champions and martyrs of freedom. To those men I propose to attach myself. Delusion may triumph; but the triumphs of delusion are but for a day. We may be defeated: but our principles will only gather fresh strength from defeats. Be that, however, as it may, my part is taken. While one shred of the old banner is flying, by that banner will I at least be found. The good old cause, as Sidney called it on the scaffold, vanquished or victorious, insulted or triumphant, the

good old cause is still the good old cause with me. Whether in or out of Parliament, whether speaking with that authority which must always belong to the representative of this great and enlightened community, or expressing the humble sentiments of a private citizen, I will to the last maintain inviolate my fidelity to principles which, though they may be borne down for a time by senseless clamour, are yet strong with the strength and immortal with the immortality of truth, and which, however they may be misunderstood or misrepresented by contemporaries, will assuredly find justice from a better age. Gentlemen, I have done. I have only to thank you for the kind attention with which you have heard me, and to express my hope that, whether my principles have met with your concurrence or not, the frankness with which I have expressed them will at least obtain your approbation.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 29TH OF JANUARY, 1840.

On the twenty-eighth of January, 1840, Sir John Yarde Buller moved the following resolution:

> "That Her Majesty's Government, as at present constituted, does not possess the confidence of the House."

After a discussion of four nights the motion was rejected by 308 votes to 287. The following Speech was made on the second night of the debate.

THE House, Sir, may possibly imagine that I rise under some little feeling of irritation to reply to the personal reflections which have been introduced into the discussion. It would be easy to reply to these reflections; it would be still easier to retort them: but I should think either course unworthy of me and of this great occasion. If ever I should so far forget myself as to wander from the subject of debate to matters concerning only myself, it will not, I hope, be at a time when the dearest interests of our country are staked on the result of our deliberations. I rise under feelings of anxiety which leave no room in my mind for selfish vanity or petty vindictiveness. I believe with the most intense conviction that, in pleading for the Government to which I belong, I

am pleading for the safety of the Commonwealth, for the reformation of abuses, and at the same time for the preservation of august and venerable institutions: and I trust, Mr. Speaker, that when the question is whether a Cabinet be or be not worthy of the confidence of Parliament, the first Member of that Cabinet who comes forward to defend himself and his colleagues will find here some portion of that generosity and good feeling which once distinguished English gentlemen. But be this as it may, my voice shall be heard. I repeat, that I am pleading at once for the reformation and for the preservation of our institutions, for liberty and order, for justice administered in mercy, for equal laws, for the rights of conscience, and for the real union of Great Britain and Ireland. If, on so grave an occasion, I should advert to one or two of the charges which have been brought against myself personally, I shall do so only because I conceive that those charges affect in some degree the character of the Government to which I belong.

One of the chief accusations brought against the Government by the honorable Baronet[1] who opened the debate, and repeated by the seconder,[2] and by almost every gentleman who has addressed the House from the benches opposite, is that I have been invited to take office though my opinion with respect to the Ballot is known to be different from that of my colleagues. We have been repeatedly told that a Ministry in which there is not perfect unanimity on a subject so important must be undeserving of the public confidence. Now, Sir, it is true that I am in favour of secret voting, that my noble and right honorable friends near me are in favour of open voting, and yet that we sit in the same Cabinet. But if, on account of this difference of opinion, the Government is unworthy of public confidence, then

[1] Sir John Yarde Buller. [2] Alderman Thompson.

I am sure that scarcely any government which has existed within the memory of the oldest man has been deserving of public confidence. It is well known that in the Cabinets of Mr. Pitt, of Mr. Fox, of Lord Liverpool, of Mr. Canning, of the Duke of Wellington, there were open questions of great moment. Mr. Pitt, while still zealous for parliamentary reform, brought into the Cabinet Lord Grenville, who was adverse to parliamentary reform. Again, Mr. Pitt, while eloquently supporting the abolition of the Slave Trade, brought into the Cabinet Mr. Dundas, who was the chief defender of the Slave Trade. Mr. Fox, too, intense as was his abhorrence of the Slave Trade, sat in the same Cabinet with Lord Sidmouth and Mr. Windham, who voted to the last against the abolition of that trade. Lord Liverpool, Mr. Canning, the Duke of Wellington, all left the question of Catholic Emancipation open. And yet, of all questions, that was perhaps the very last that should have been left open. For it was not merely a legislative question, but a question which affected every part of the executive administration. But, to come to the present time, suppose that you could carry your resolution, suppose that you could drive the present Ministers from power, who that may succeed them will be able to form a government in which there will be no open questions? Can the right honorable Baronet the Member for Tamworth [1] form a Cabinet without leaving the great question of our privileges open? In what respect is that question less important than the question of the Ballot? Is it not indeed from the privileges of the House that all questions relating to the constitution of the House derive their importance? What does it matter how we are chosen, if, when we meet, we do not possess the powers necessary to enable us to perform the

[1] Sir Robert Peel.

functions of a legislative assembly? Yet you, who would turn out the present Ministers because they differ from each other as to the way in which Members of this House should be chosen, wish to bring in men who decidedly differ from each other as to the relation in which this House stands to the nation, to the other House, and to the Courts of Judicature. Will you say that the dispute between the House and the Court of Queen's Bench is a trifling dispute? Surely, in the late debates, you were all perfectly agreed as to the importance of the question, though you were agreed as to nothing else. Some of you told us that we were contending for a power essential to our honour and usefulness. Many of you protested against our proceedings, and declared that we were encroaching on the province of the tribunals, violating the liberty of our fellow citizens, punishing honest magistrates for not perjuring themselves. Are these trifles? And can we believe that you really feel a horror of open questions when we see your Prime Minister elect sending people to prison overnight, and his law officers elect respectfully attending the levee of those prisoners the next morning? Observe, too, that this question of privileges is not merely important; it is also pressing. Something must be done, and that speedily. My belief is that more inconvenience would follow from leaving that question open one month than from leaving the question of the Ballot open ten years.

The Ballot, Sir, is not the only subject on which I am accused of holding dangerous opinions. The right honorable Baronet the Member for Pembroke [1] pronounces the present Government a Chartist Government; and he proves his point by saying that I am a member of the government, and that I wish to give the elective franchise to every ten

[1] Sir James Graham.

pound householder, whether his house be in a town or in the country. Is it possible, Sir, that the honorable Baronet should not know that the fundamental principle of the plan of government called the People's Charter is that every male of twenty-one should have a vote? Or is it possible that he can see no difference between giving the franchise to all ten pound householders, and giving the franchise to all males of twenty-one? Does he think the ten pound householders a class morally or intellectually unfit to possess the franchise, he who bore a chief part in framing the law which gave them the franchise in all the represented towns of the United Kingdom? Or will he say that the ten pound householder in a town is morally and intellectually fit to be an elector, but that the ten pound householder who lives in the open country is morally and intellectually unfit? Is not house rent notoriously higher in towns than in the country? Is it not, therefore, probable that the occupant of a ten pound house in a rural hamlet will be a man who has a greater stake in the peace and welfare of society than a man who has a ten pound house in Manchester or Birmingham? Can you defend on conservative principles an arrangement which gives votes to a poorer class and withholds them from a richer? For my own part, I believe it to be essential to the welfare of the state, that the elector should have a pecuniary qualification. I believe that the ten pound qualification cannot be proved to be either too high or too low. Changes, which may hereafter take place in the value of money and in the condition of the people, may make a change of the qualification necessary. But the ten pound qualification is, I believe, well suited to the present state of things. At any rate I am unable to conceive why it should be a sufficient qualification within the limits of a borough, and an insufficient qualification

a yard beyond those limits; sufficient at Knightsbridge, but insufficient at Kensington; sufficient at Lambeth, but insufficient at Battersea? If any person calls this Chartism, he must permit me to tell him that he does not know what Chartism is.

A motion, Sir, such as that which we are considering, brings under our review the whole policy of the kingdom, domestic, foreign, and colonial. It is not strange, therefore, that there should have been several episodes in this debate. Something has been said about the hostilities on the River Plata, something about the hostilities on the coast of China, something about Commissioner Lin, something about Captain Elliot. But on such points I shall not dwell, for it is evidently not by the opinion which the House may entertain on such points that the event of the debate will be decided. The main argument of the gentlemen who support the motion, the argument on which the right honorable Baronet who opened the debate chiefly relied, the argument which his seconder repeated, and which has formed the substance of every speech since delivered from the opposite side of the House, may be fairly summed up thus, "The country is not in a satisfactory state. There is much recklessness, much turbulence, much craving for political change; and the cause of these evils is the policy of the Whigs. They rose to power by agitation in 1830; they retained power by means of agitation through the tempestuous months which followed; they carried the Reform Bill by means of agitation: expelled from office, they forced themselves in again by means of agitation; and now we are paying the penalty of their misconduct. Chartism is the natural offspring of Whiggism. From those who caused the evil we cannot expect the remedy. The first thing to be done is to dismiss them, and to call to power men who, not having instigated the people to commit

excesses, can, without incurring the charge of inconsistency, enforce the laws."

Now, Sir, it seems to me that this argument was completely refuted by the able and eloquent speech of my right honorable friend the Judge Advocate.[1] He said, and he said most truly, that those who hold this language are really accusing, not the Government of Lord Melbourne, but the Government of Lord Grey. I was therefore, I must say, surprised, after the speech of my right honorable friend, to hear the right honorable Baronet the Member for Pembroke, himself a distinguished member of the cabinet of Lord Grey, pronounce a harangue against agitation. That he was himself an agitator he does not venture to deny; but he tries to excuse himself by saying, "I liked the Reform Bill; I thought it a good bill; and so I agitated for it; and, in agitating for it, I acknowledge that I went to the very utmost limit of what was prudent, to the very utmost limit of what was legal." Does not the right honorable Baronet perceive that, by setting up this defence for his own past conduct, he admits that agitation is good or evil according as the objects of the agitation are good or evil? When I hear him speak of agitation as a practice disgraceful to a public man, and especially to a Minister of the Crown, and address his lecture in a particular manner to me, I cannot but wonder that he should not perceive that his reproaches, instead of wounding me, recoil on himself. I was not a member of the Cabinet which brought in the Reform Bill, which dissolved the Parliament in a moment of intense excitement in order to carry the Reform Bill, which refused to serve the Sovereign longer unless he would create peers in sufficient numbers to carry the Reform Bill. I was at that time only one of those hundreds of members of this House, one of those millions of Englishmen, who

[1] Sir George Grey.

were deeply impressed with the conviction that the Reform Bill was one of the best laws that ever had been framed, and who reposed entire confidence in the abilities, the integrity, and the patriotism of the ministers; and I must add that in no member of the administration did I place more confidence than in the right honorable Baronet, who was then First Lord of the Admiralty, and in the noble lord who was then Secretary for Ireland.[1] It was indeed impossible for me not to see that the public mind was strongly, was dangerously stirred: but I trusted that men so able, men so upright, men who had so large a stake in the country, would carry us safe through the storm which they had raised. And is it not rather hard that my confidence in the right honorable Baronet and the noble lord is to be imputed to me as a crime by the very men who are trying to raise the right honorable Baronet and the noble lord to power? The Charter, we have been told in this debate, is the child of the Reform Bill. But whose child is the Reform Bill? If men are to be deemed unfit for office because they roused the national spirit to support that bill, because they went as far as the law permitted in order to carry that bill, then I say that no men can be more unfit for office than the right honorable Baronet and the noble lord. It may be thought presumptuous in me to defend two persons who are so well able to defend themselves, and the more so, as they have a powerful ally in the right honorable Baronet the Member for Tamworth, who, having twice offered them high places in the Government, must be supposed to be of opinion that they are not disqualified for being ministers by having been agitators. I will, however, venture to offer some arguments in vindication of the conduct of my noble and right honorable friends, as I once called them, and as, notwithstanding the asperity which has characterised the present

[1] Lord Stanley.

debate, I should still have pleasure in calling them. I would say in their behalf that agitation ought not to be indiscriminately condemned; that great abuses ought to be removed; that in this country scarcely any great abuse was ever removed till the public feeling had been roused against it; and that the public feeling has seldom been roused against abuses without exertions to which the name of agitation may be given. I altogether deny the assertion which we have repeatedly heard in the course of this debate, that a government which does not discountenance agitation cannot be trusted to suppress rebellion. Agitation and rebellion, you say, are in kind the same thing; they differ only in degree. Sir, they are the same thing in the sense in which to breathe a vein and to cut a throat are the same thing. There are many points of resemblance between the act of the surgeon and the act of the assassin. In both there is the steel, the incision, the smart, the bloodshed. But the acts differ as widely as possible both in moral character and in physical effect. So with agitation and rebellion. I do not believe that there has been any moment since the revolution of 1688 at which an insurrection in this country would have been justifiable. On the other hand, I hold that we have owed to agitation a long series of beneficent reforms, which could have been effected in no other way. Nor do I understand how any person can reprobate agitation merely as agitation, unless he is prepared to adopt the maxim of Bishop Horsley, that the people have nothing to do with the laws but to obey them. The truth is that agitation is inseparable from popular government. If you wish to get rid of agitation, you must establish an oligarchy like that of Venice, or a despotism like that of Russia. If a Russian thinks that he is able to suggest an improvement in the commercial code or the criminal code of his country, he tries to obtain an audience

of the Emperor Nicholas or of Count Nesselrode. If he can satisfy them that his plans are good, then undoubtedly, without agitation, without controversy in newspapers, without harangues from hustings, without clamorous meetings in great halls and in marketplaces, without petitions signed by tens of thousands, you may have a reform effected with one stroke of the pen. Not so here. Here the people, as electors, have power to decide questions of the highest importance. And ought they not to hear and read before they decide? And how can they hear if nobody speaks, or read if nobody writes? You must admit, then, that it is our right, and that it may be our duty, to attempt by speaking and writing to induce the great body of our countrymen to pronounce what we think a right decision; and what else is agitation? In saying this I am not defending one party alone. Has there been no Tory agitation? No agitation against Popery? No agitation against the new Poor Law? No agitation against the plan of education framed by the present Government? Or, to pass from questions about which we differ to questions about which we all agree: Would the slave trade ever have been abolished without agitation? Would slavery ever have been abolished without agitation? Would your prison discipline ever have been improved without agitation? Would your penal code, once the scandal of the Statute Book, have been mitigated without agitation? I am far from denying that agitation may be abused, may be employed for bad ends, may be carried to unjustifiable lengths. So may that freedom of speech which is one of the most precious privileges of this House. Indeed, the analogy is very close. What is agitation but the mode in which the public, the body which we represent, the great outer assembly, if I may so speak, holds its debates? It is as necessary to the good government of the country that our constituents

should debate as that we should debate. They sometimes go wrong, as we sometimes go wrong. There is often much exaggeration, much unfairness, much acrimony in their debates. Is there none in ours? Some worthless demagogues may have exhorted the people to resist the laws. But what member of Lord Grey's Government, what member of the present Government, ever gave any countenance to any illegal proceedings? It is perfectly true that some words which have been uttered here and in other places, and which, when taken together with the context and candidly construed, will appear to mean nothing but what was reasonable and constitutional and moderate, have been distorted and mutilated into something that has a seditious aspect. But who is secure against such misrepresentation? Not, I am sure, the right honorable Baronet the Member for Pembroke. He ought to remember that his own speeches have been used by bad men for bad ends. He ought to remember that some expressions which he used in 1830, on the subject of the emoluments divided among Privy Councillors, have been quoted by the Chartists in vindication of their excesses. Do I blame him for this? Not at all. He said nothing that was not justifiable. But it is impossible for a man so to guard his lips that his language shall not sometimes be misunderstood by dull men, and sometimes misrepresented by dishonest men. I do not, I say, blame him for having used those expressions: but I do say that, knowing how his own expressions have been perverted, he should have hesitated before he threw upon men, not less attached than himself to the cause of law, of order and property, imputations certainly not better founded than those to which he is himself liable.

And now, Sir, to pass by many topics to which, but for the lateness of the hour, I would willingly advert, let me remind the House that the question

before us is not a positive question, but a question of comparison. No man, though he may disapprove of some part of the conduct of the present Ministers, is justified in voting for the motion which we are considering, unless he believes that a change would, on the whole, be beneficial. No government is perfect: but some government there must be; and, if the present government were worse than its enemies think it, it ought to exist until it can be succeeded by a better. Now I take it to be perfectly clear that, in the event of the removal of Her Majesty's present advisers, an administration must be formed of which the right honorable Baronet the Member for Tamworth will be the head. Towards that right honorable Baronet, and towards many of the noblemen and gentlemen who would probably in that event be associated with him, I entertain none but kind and respectful feelings. I am far, I hope, from that narrowness of mind which makes a man unable to see merit in any party but his own. If I may venture to parody the old Venetian proverb, I would be "First an Englishman; and then a Whig." I feel proud of my country when I think how much ability, uprightness, and patriotism may be found on both sides of the House. Among our opponents stands forth, eminently distinguished by parts, eloquence, knowledge, and, I willingly admit, by public spirit, the right honorable Baronet the Member for Tamworth. Having said this, I shall offer no apology for the remarks which, in the discharge of my public duty, I shall make, without, I hope, any personal discourtesy, on his past conduct and his present position.

It has been, Sir, I will not say his fault, but his misfortune, his fate, to be the leader of a party with which he has no sympathy. To go back to what is now matter of history, the right honorable Baronet bore a chief part in the restoration of the currency.

By a very large proportion of his followers the restoration of the currency is considered as the chief cause of the distresses of the country. The right honorable Baronet cordially supported the commercial policy of Mr. Huskisson. But there was no name more odious than that of Mr. Huskisson to the rank and file of the Tory party. The right honorable Baronet assented to the Act which removed the disabilities of the Protestant Dissenters. But, a very short time ago, a noble Duke, one of the highest in power and rank of the right honorable Baronet's adherents, positively refused to lend his aid to the executing of that Act. The right honorable Baronet brought in the bill which removed the disabilities of the Roman Catholics: but his supporters make it a chief article of charge against us that we have given practical effect to the law which is his best title to public esteem. The right honorable Baronet has declared himself decidedly favourable to the new Poor Law. Yet, if a voice is raised against the Whig Bastilles and the Kings of Somerset House, it is almost certain to be the voice of some zealous retainer of the right honorable Baronet. On the great question of privilege the right honorable Baronet has taken a part which entitles him to the gratitude of all who are solicitous for the honour and the usefulness of the popular branch of the legislature. But if any person calls us tyrants, and calls those whom we have imprisoned martyrs, that person is certain to be a partisan of the right honorable Baronet. Even when the right honorable Baronet does happen to agree with his followers as to a conclusion, he seldom arrives at that conclusion by the same process of reasoning which satisfies them. Many great questions which they consider as questions of right and wrong, as questions of moral and religious principle, as questions which must, for no earthly object, and on no emergency, be compromised, are treated by him merely as questions of

expediency, of place, and of time. He has opposed many bills introduced by the present Government; but he has opposed them on such grounds that he is at perfect liberty to bring in the same bills himself next year, with perhaps some slight variation. I listened to him, as I always listen to him, with pleasure, when he spoke last session on the subject of education. I could not but be amused by the skill with which he performed the hard task of translating the gibberish of bigots into language which might not misbecome the mouth of a man of sense. I felt certain that he despised the prejudices of which he condescended to make use, and that his opinion about the Normal Schools and the Douai Version entirely agreed with my own. I therefore do not think that, in times like these, the right honorable Baronet can conduct the administration with honour to himself or with satisfaction to those who are impatient to see him in office. I will not affect to feel apprehensions from which I am entirely free. I do not fear, and I will not pretend to fear, that the right honorable Baronet will be a tyrant and a persecutor. I do not believe that he will give up Ireland to the tender mercies of those zealots who form, I am afraid, the strongest, and I am sure the loudest, part of his retinue. I do not believe that he will strike the names of Roman Catholics from the Privy Council book, and from the Commissions of the Peace. I do not believe that he will lay on our table a bill for the repeal of that great Act which was introduced by himself in 1829. What I do anticipate is this, that he will attempt to keep his party together by means which will excite grave discontents, and yet that he will not succeed in keeping his party together; that he will lose the support of the Tories without obtaining the support of the nation; and that his government will fall from causes purely internal.

This, Sir, is not mere conjecture. The drama is not a new one. It was performed a few years ago on the same stage and by most of the same actors. In 1827 the right honorable Baronet was, as now, the head of a powerful Tory opposition. He had, as now, the support of a strong minority in this House. He had, as now, a majority in the other House. He was, as now, the favourite of the Church and of the Universities. All who dreaded political change, all who hated religious liberty, rallied round him then, as they rally round him now. Their cry was then, as now, that a government unfriendly to the civil and ecclesiastical constitution of the realm was kept in power by intrigue and court favour, and that the right honorable Baronet was the man to whom the nation must look to defend its laws against revolutionists, and its religion against idolaters. At length that cry became irresistible. Tory animosity had pursued the most accomplished of Tory statesmen and orators to a restingplace in Westminster Abbey. The arrangement which was made after his death lasted but a very few months: a Tory government was formed; and the right honorable Baronet became the leading minister of the Crown in the House of Commons. His adherents hailed his elevation with clamorous delight, and confidently expected many years of triumph and dominion. Is it necessary to say in what disappointment, in what sorrow, in what fury, those expectations ended? The right honorable Baronet has been raised to power by prejudices and passions in which he had no share. His followers were bigots. He was a statesman. He was coolly weighing conveniences against inconveniences, while they were ready to resort to a proscription and to hazard a civil war rather than depart from what they called their principles. For a time he tried to take a middle course. He imagined that it might be possible for him to stand well with his old friends,

and yet to perform some part of his duty to the state. But those were not times in which he could long continue to halt between two opinions. His elevation, as it had excited the hopes of the oppressors, had excited also the terror and the rage of the oppressed. Agitation which had, during more than a year, slumbered in Ireland, awoke with renewed vigour, and soon became more formidable than ever. The Roman Catholic Association began to exercise authority such as the Irish Parliament, in the days of its independence, had never possessed. An agitator became more powerful than the Lord Lieutenant. Violence engendered violence. Every explosion of feeling on one side of St. George's Channel was answered by a louder explosion on the other. The Clare election, the Penenden Heath meeting showed that the time for evasion and delay was past. A crisis had arrived which made it absolutely necessary for the Government to take one side or the other. A simple issue was proposed to the right honorable Baronet, concession or civil war; to disgust his party, or to ruin his country. He chose the good part. He performed a duty, deeply painful, in some sense humiliating, yet in truth highly honorable to him. He came down to this house and proposed the emancipation of the Roman Catholics. Among his adherents were some who, like himself, had opposed the Roman Catholic claims merely on the ground of political expediency; and these persons readily consented to support his new policy. But not so the great body of his followers. Their zeal for Protestant ascendency was a ruling passion, a passion, too, which they thought it a virtue to indulge. They had exerted themselves to raise to power the man whom they regarded as the ablest and most trusty champion of that ascendency; and he had not only abandoned the good cause, but had become its adversary. Who can forget in what a

roar of obloquy their anger burst forth? Never before was such a flood of calumny and invective poured on a single head. All history, all fiction were ransacked by the old friends of the right honorable Baronet, for nicknames and allusions. One right honorable gentleman, whom I am sorry not to see in his place opposite, found English prose too weak to express his indignation, and pursued his perfidious chief with reproaches borrowed from the ravings of the deserted Dido. Another Tory explored Holy Writ for parallels, and could find no parallel but Judas Iscariot. The great university which had been proud to confer on the right honorable Baronet the highest marks of favour, was foremost in affixing the brand of infamy. From Cornwall, from Northumberland, clergymen came up by hundreds to Oxford, in order to vote against him whose presence, a few days before, would have set the bells of their parish churches jingling. Nay, such was the violence of this new enmity that the old enmity of the Tories to Whigs, Radicals, Dissenters, Papists, seemed to be forgotten. That Ministry which, when it came into power at the close of 1828, was one of the strongest that the country ever saw, was, at the close of 1829, one of the weakest. It lingered another year, staggering between two parties, leaning now on one, now on the other, reeling sometimes under a blow from the right, sometimes under a blow from the left, and certain to fall as soon as the Tory opposition and the Whig opposition could find a question on which to unite. Such a question was found: and that Ministry fell without a struggle.

Now what I wish to know is this. What reason have we to believe that any administration which the right honorable Baronet can now form will have a different fate? Is he changed since 1829? Is his party changed? He is, I believe, still the same, still a statesman, moderate in opinions, cautious in temper,

perfectly free from that fanaticism which inflames so many of his supporters. As to his party, I admit that it is not the same; for it is very much worse. It is decidedly fiercer and more unreasonable than it was eleven years ago. I judge by its public meetings; I judge by its journals; I judge by its pulpits, pulpits which every week resound with ribaldry and slander such as would disgrace the hustings. A change has come over the spirit of a part, I hope not the larger part, of the Tory body. It was once the glory of the Tories that, through all changes of fortune, they were animated by a steady and fervent loyalty which made even error respectable, and gave to what might otherwise have been called servility something of the manliness and nobleness of freedom. A great Tory poet, whose eminent services to the cause of monarchy had been ill requited by an ungrateful Court, boasted that

> "Loyalty is still the same
> Whether it win or lose the game;
> True as the dial to the sun,
> Although it be not shined upon."

Toryism has now changed its character. We have lived to see a monster of a faction made up of the worst parts of the Cavalier and the worst parts of the Roundhead. We have lived to see a race of disloyal Tories. We have lived to see Tories giving themselves the airs of those insolent pikemen who puffed out their tobacco smoke in the face of Charles the First. We have lived to see Tories who, because they are not allowed to grind the people after the fashion of Strafford, turn round and revile the Sovereign in the style of Hugh Peters. I say, therefore, that, while the leader is still what he was eleven years ago, when his moderation alienated his intemperate followers, his followers are more intemperate than ever. It is my firm belief that the

majority of them desire the repeal of the Emancipation Act. You say, no. But I will give reasons, and unanswerable reasons, for what I say. How, if you really wish to maintain the Emancipation Act, do you explain that clamour which you have raised, and which has resounded through the whole kingdom, about the three Popish Privy Councillors? You resent, as a calumny, the imputation that you wish to repeal the Emancipation Act; and yet you cry out that Church and State are in danger of ruin whenever the Government carries that Act into effect. If the Emancipation Act is never to be executed, why should it not be repealed? I perfectly understand that an honest man may wish it to be repealed. But I am at a loss to understand how honest men can say, "We wish the Emancipation Act to be maintained: you who accuse us of wishing to repeal it slander us foully: we value it as much as you do. Let it remain among our statutes, provided always that it remains as a dead letter. If you dare to put it in force, indeed, we will agitate against you; for, though we talk against agitation, we too can practise agitation: we will denounce you in our associations; for, though we call associations unconstitutional, we too have our associations: our divines shall preach about Jezebel: our tavern spouters shall give significant hints about James the Second." Yes, Sir, such hints have been given, hints that a sovereign who has merely executed the law, ought to be treated like a sovereign who grossly violated the law. I perfectly understand, as I said, that an honest man may disapprove of the Emancipation Act, and may wish it repealed. But can any man, who is of opinion that Roman Catholics ought to be admitted to office, honestly maintain that they now enjoy more than their fair share of power and emolument? What is the proportion of Roman Catholics to the whole population of the United

Kingdom? About one fourth. What proportion of the Privy Councillors are Roman Catholics? About one seventieth. And what, after all, is the power of a Privy Councillor, merely as such? Are not the right honorable gentlemen opposite Privy Councillors? If a change should take place, will not the present Ministers still be Privy Councillors? It is notorious that no Privy Councillor goes to Council unless he is specially summoned. He is called Right Honorable, and he walks out of a room before Esquires and Knights. And can we seriously believe that men who think it monstrous that this honorary distinction should be given to three Roman Catholics, do sincerely desire to maintain a law by which a Roman Catholic may be Commander in Chief with all the military patronage, First Lord of the Admiralty with all the naval patronage, or First Lord of the Treasury with the chief influence in every department of the Government? I must therefore suppose that those who join in the cry against the three Privy Councillors, are either imbecile or hostile to the Emancipation Act.

I repeat, therefore, that, while the right honorable Baronet is as free from bigotry as he was eleven years ago, his party is more bigoted than it was eleven years ago. The difficulty of governing Ireland in opposition to the feelings of the great body of the Irish people is, I apprehend, as great now as it was eleven years ago. What then must be the fate of a government formed by the right honorable Baronet? Suppose that the event of this debate should make him Prime Minister? Should I be wrong if I were to prophesy that three years hence he will be more hated and vilified by the Tory party than the present advisers of the Crown have been? Should I be wrong if I were to say that all those literary organs which now deafen us with praise of him, will then deafen us with abuse of him? Should

I be wrong if I were to say that he will be burned in effigy by those who now drink his health with three times three and one cheer more? Should I be wrong if I were to say that those very gentlemen who have crowded hither to-night in order to vote him into power, will crowd hither to vote Lord Melbourne back? Once already have I seen those very persons go out into the lobby for the purpose of driving the right honorable Baronet from the high situation to which they had themselves exalted him. I went out with them myself; yes, with the whole body of Tory country gentlemen, with the whole body of high Churchmen. All the four University Members were with us. The effect of that division was to bring Lord Grey, Lord Althorpe, Lord Brougham, Lord Durham into power. You may say that the Tories on that occasion judged ill, that they were blinded by vindictive passion, that if they had foreseen all that followed they might have acted differently. Perhaps so. But what has been once may be again. I cannot think it possible that those who are now supporting the right honorable Baronet will continue from personal attachment to support him if they see that his policy is in essentials the same as Lord Melbourne's. I believe that they have quite as much personal attachment to Lord Melbourne as to the right honorable Baronet. They follow the right honorable Baronet because his abilities, his eloquence, his experience are necessary to them; but they are but half reconciled to him. They never can forget that, in the most important crisis of his public life, he deliberately chose rather to be the victim of their injustice than its instrument. It is idle to suppose that they will be satisfied by seeing a new set of men in power. Their maxim is most truly "Measures, not men." They care not before whom the sword of state is borne at Dublin, or who wears the badge of St.

Patrick. What they abhor is not Lord Normanby personally or Lord Ebrington personally, but the great principles in conformity with which Ireland has been governed by Lord Normanby and by Lord Ebrington, the principles of justice, humanity, and religious freedom. What they wish to have in Ireland is not my Lord Haddington, or any other viceroy whom the right honorable Baronet may select, but the tyranny of race over race, and of creed over creed. Give them what they want; and you convulse the empire. Refuse them; and you dissolve the Tory party. I believe that the right honorable Baronet himself is by no means without apprehensions that, if he were now called to the head of affairs, he would, very speedily, have the dilemma of 1829 again before him. He certainly was not without such apprehensions when, a few months ago, he was commanded by Her Majesty to submit to her the plan of an administration. The aspect of public affairs was not at that time cheering. The Chartists were stirring in England. There were troubles in Canada. There were great discontents in the West Indies. An expedition, of which the event was still doubtful, had been sent into the heart of Asia. Yet, among many causes of anxiety, the discerning eye of the right honorable Baronet easily discerned the quarter where the great and immediate danger lay. He told the House that his difficulty would be Ireland. Now, Sir, that which would be the difficulty of his administration is the strength of the present administration. Her Majesty's Ministers enjoy the confidence of Ireland; and I believe that what ought to be done for that country will excite less discontent here if done by them than if done by him. He, I am afraid, great as his abilities are, and good as I willingly admit his intentions to be, would find it easy to lose the confidence of his partisans, but hard indeed to win the confidence of the Irish people.

It is indeed principally on account of Ireland that I feel solicitous about the issue of the present debate. I well know how little chance he who speaks on that theme has of obtaining a fair hearing. Would to God that I were addressing an audience which would judge this great controversy as it is judged by foreign nations, and as it will be judged by future ages. The passions which inflame us, the sophisms which delude us, will not last for ever. The paroxysms of faction have their appointed season. Even the madness of fanaticism is but for a day. The time is coming when our conflicts will be to others what the conflicts of our forefathers are to us; when the preachers who now disturb the State, and the politicians who now make a stalking horse of the Church will be no more than Sacheverel and Harley. Then will be told, in language very different from that which now calls forth applause from the mob of Exeter Hall, the true story of these troubled years.

There was, it will then be said, a part of the kingdom of Queen Victoria which presented a lamentable contrast to the rest; not from want of natural fruitfulness, for there was no richer soil in Europe; not from want of facilities for trade, for the coasts of this unhappy region were indented by bays and estuaries capable of holding all the navies of the world; not because the people were too dull to improve these advantages or too pusillanimous to defend them; for in natural quickness of wit and gallantry of spirit they ranked high among the nations. But all the bounty of nature had been made unavailing by the crimes and errors of man. In the twelfth century that fair island was a conquered province. The nineteenth century found it a conquered province still. During that long interval many great changes had taken place which had conduced to the general welfare of the empire: but those changes had only aggravated the misery of Ireland. The

Reformation came, bringing to England and Scotland divine truth and intellectual liberty. To Ireland it brought only fresh calamities. Two new war cries, Protestant and Catholic, animated the old feud between the Englishry and the Irishry. The Revolution came, bringing to England and Scotland civil and spiritual freedom, to Ireland subjugation, degradation, persecution. The Union came: but, though it joined legislatures, it left hearts as widely disjoined as ever. Catholic Emancipation came: but it came too late; it came as a concession made to fear, and, having excited unreasonable hopes, was naturally followed by unreasonable disappointment. Then came violent irritation, and numerous errors on both sides. Agitation produced coercion, and coercion produced fresh agitation. Difficulties and dangers went on increasing, till a government arose which, all other means having failed, determined to employ the only means that had not yet been fairly tried, justice and mercy. The State, long the stepmother of the many, and the mother only of the few, became for the first time the common parent of all the great family. The body of the people began to look on their rulers as friends. Battalion after battalion, squadron after squadron, was withdrawn from districts which, as it had till then been thought, could be governed by the sword alone Yet the security of property and the authority of law became every day more complete. Symptoms of amendment, symptoms such as cannot be either concealed or counterfeited, began to appear; and those who once despaired of the destinies of Ireland began to entertain a confident hope that she would at length take among European nations that high place to which her natural resources and the intelligence of her children entitle her to aspire.

In words such as these, I am confident, will the next generation speak of the events of our time.

Relying on the sure justice of history and of posterity, I care not, as far as I am personally concerned, whether we stand or fall. That issue it is for the House to decide. Whether the result will be victory or defeat, I know not. But I know that there are defeats not less glorious than any victory; and yet I have shared in some glorious victories. Those were proud and happy days;—some who sit on the benches opposite can well remember, and must, I think, regret them;—those were proud and happy days when, amidst the applauses and blessings of millions, my noble friend led us on in the great struggle for the Reform Bill; when hundreds waited round our doors till sunrise to hear how we had sped; when the great cities of the north poured forth their population on the highways to meet the mails which brought from the capital the tidings whether the battle of the people had been lost or won. Such days my noble friend cannot hope to see again. Two such triumphs would be too much for one life. But perhaps there still awaits him a less pleasing, a less exhilarating, but a not less honorable task, the task of contending against superior numbers, and through years of discomfiture, for those civil and religious liberties which are inseparably associated with the name of his illustrious house. At his side will not be wanting men who against all odds, and through all turns of fortune, in evil days and amidst evil tongues, will defend to the last, with unabated spirit, the noble principles of Milton and of Locke. We may be driven from office. We may be doomed to a life of opposition. We may be made marks for the rancour of sects which, hating each other with a deadly hatred, yet hate toleration still more. We may be exposed to the rage of Laud on one side, and of Praise-God-Barebones on the other. But justice will be done at last: and a portion of the praise which we bestow on the old champions and martyrs of freedom will not be refused by

future generations to the men who have in our days endeavoured to bind together in real union races too long estranged, and to efface, by the mild influence of a parental government, the fearful traces which have been left by the misrule of ages.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 7TH OF APRIL, 1840.

On the seventh of April, 1840, Sir James Graham moved the following resolution :

> "That it appears to this House, on consideration of the papers relating to China presented to this House by command of Her Majesty, that the interruption in our commercial and friendly intercourse with that country, and the hostilities which have since taken place, are mainly to be attributed to the want of foresight and precaution on the part of Her Majesty's present advisers, in respect to our relations with China, and especially to their neglect to furnish the Superintendent at Canton with powers and instructions calculated to provide against the growing evils connected with the contraband trade in opium, and adapted to the novel and difficult situation in which the Superintendent was placed."

As soon as the question had been put from the Chair, the following Speech was made.

The motion was rejected, after a debate of three nights, by 271 votes to 261.

MR. SPEAKER,

IF the right honorable Baronet, in rising to make an attack on the Government, was forced to own that he was unnerved and overpowered by his sense of the importance of the question with which

he had to deal, one who rises to repel that attack may, without any shame, confess that he feels similar emotions. And yet I must say that the anxiety, the natural and becoming anxiety, with which Her Majesty's Ministers have awaited the judgment of the House on these papers, was not a little allayed by the terms of the right honorable Baronet's motion, and has been still more allayed by his speech. It was impossible for us to doubt either his inclination or his ability to detect and to expose any fault which we might have committed; and we may well congratulate ourselves on finding that, after the closest examination into a long series of transactions, so extensive, so complicated, and, in some respects, so disastrous, so keen an assailant could produce only so futile an accusation.

In the first place, Sir, the resolution which the right honorable Baronet has moved relates entirely to events which took place before the rupture with the Chinese government. That rupture took place in March 1839. The right honorable Baronet therefore does not propose to pass any censure on any step which has been taken by the Government within the last thirteen months; and it will, I think, be generally admitted, that when he abstains from censuring the proceedings of the Government, it is because the most unfriendly scrutiny can find nothing in those proceedings to censure. We by no means deny that he has a perfect right to propose a vote expressing disapprobation of what was done in 1837 or 1838. At the same time, we cannot but be gratified by learning that he approves of our present policy, and of the measures which we have taken, since the rupture, for thevindication of the national honour and for the protection of the national interests.

It is also to be observed that the right honorable Baronet has not ventured, either in his motion or in his speech, to charge Her Majesty's Ministers with

any unwise or unjust act, with any act tending to lower the character of England, or to give cause of offence to China. The only sins which he imputes to them are sins of omission. His complaint is merely that they did not foresee the course which events would take at Canton, and that consequently they did not send sufficient instructions to the British resident who was stationed there. Now it is evident that such an accusation is of all accusations that which requires the fullest and most distinct proof; for it is of all accusations that which it is easiest to make and hardest to refute. A man charged with a culpable act which he has not committed has comparatively little difficulty in proving his innocence. But when the charge is merely this, that he has not, in a long and intricate series of transactions, done all that it would have been wise to do, how is he to vindicate himself? And the case which we are considering has this peculiarity, that the envoy to whom the Ministers are said to have left too large a discretion, was fifteen thousand miles from them. The charge against them therefore is this, that they did not give such copious and particular directions as were sufficient, in every possible emergency, for the guidance of a functionary who was fifteen thousand miles off. Now, Sir, I am ready to admit that, if the papers on our table related to important negotiations with a neighbouring state, if they related, for example, to a negotiation carried on with France, my noble friend the Secretary for Foreign Affairs[1] might well have been blamed for sending instructions so meagre and so vague to our Ambassador at Paris. For my noble friend knows to-night what passed between our Ambassador at Paris and the French Ministers yesterday; and a messenger despatched to-night from Downing Street will be at the Embassy in the Faubourg Saint Honoré the day

[1] Lord Palmerston.

after to-morrow. But that constant and minute control, which the Foreign Secretary is bound to exercise over diplomatic agents who are near, becomes an useless and pernicious meddling when exercised over agents who are separated from him by a voyage of five months. There are on both sides of the House gentlemen conversant with the affairs of India. I appeal to those gentlemen. India is nearer to us than China. India is far better known to us than China. Yet is it not universally acknowledged that India can be governed only in India? The authorities at home point out to a governor the general line of policy which they wish him to follow; but they do not send him directions as to the details of his administration. How indeed is it possible that they should send him such directions? Consider in what a state the affairs of this country would be if they were to be conducted according to directions framed by the ablest statesman residing in Bengal. A despatch goes hence asking for instructions while London is illuminating for the peace of Amiens. The instructions arrive when the French army is encamped at Boulogne, and when the whole island is up in arms to repel invasion. A despatch is written asking for instructions when Buonaparte is at Elba. The instructions come when he is at the Tuileries. A despatch is written asking for instructions when he is at the Tuileries. The instructions come when he is at St. Helena. It would be just as impossible to govern India in London as to govern England at Calcutta. While letters are preparing here on the supposition that there is profound peace in the Carnatic, Hyder is at the gates of Fort St. George. While letters are preparing here on the supposition that trade is flourishing and that the revenue exceeds the expenditure, the crops have failed, great agency houses have broken, and the Government is negotiating a loan on hard terms. It

is notorious that the great men who founded and preserved our Indian empire, Clive and Warren Hastings, treated all particular orders which they received from home as mere waste paper. Had not those great men had the sense and spirit so to treat such orders, we should not now have had an Indian empire. But the case of China is far stronger. For, though a person who is now writing a despatch to Fort William in Leadenhall Street or Cannon Row, cannot know what events have happened in India within the last two months, he may be very intimately acquainted with the general state of that country, with its wants, with its resources, with the habits and temper of the native population, and with the character of every prince and minister from Nepaul to Tanjore. But what does anybody here know of China? Even those Europeans who have been in that empire are almost as ignorant of it as the rest of us. Everything is covered by a veil, through which a glimpse of what is within may occasionally be caught, a glimpse just sufficient to set the imagination at work, and more likely to mislead than to inform. The right honorable Baronet has told us that an Englishman at Canton sees about as much of China as a foreigner who should land at Wapping and proceed no further would see of England. Certainly the sights and sounds of Wapping would give a foreigner but a very imperfect notion of our Government, of our manufactures, of our agriculture, of the state of learning and the arts among us. And yet the illustration is but a faint one. For a foreigner may, without seeing even Wapping, without visiting England at all, study our literature, and may thence form a vivid and correct idea of our institutions and manners. But the literature of China affords us no such help. Obstacles unparalleled in any other country which has books must be surmounted by the student who is determined to master

the Chinese tongue. To learn to read is the business of half a life. It is easier to become such a linguist as Sir William Jones was than to become a good Chinese scholar. You may count upon your fingers the Europeans whose industry and genius, even when stimulated by the most fervent religious zeal, has triumphed over the difficulties of a language without an alphabet. Here then is a country separated from us physically by half the globe, separated from us still more effectually by the barriers which the most jealous of all governments and the hardest of all languages oppose to the researches of strangers. Is it then reasonable to blame my noble friend because he has not sent to our envoys in such a country as this instructions as full and precise as it would have been his duty to send to a minister at Brussels or at the Hague. The right honorable Baronet who comes forward as the accuser on this occasion is really accusing himself. He was a member of the Government of Lord Grey. He was himself concerned in framing the first instructions which were given by my noble friend to our first Superintendent at Canton. For those instructions the right honorable Baronet frankly admits that he is himself responsible. Are those instructions then very copious and minute? Not at all. They merely lay down general principles. The resident, for example, is enjoined to respect national usages, and to avoid whatever may shock the prejudices of the Chinese; but no orders are given him as to matters of detail. In 1834 my noble friend quitted the Foreign Office, and the Duke of Wellington went to it. Did the Duke of Wellington send out those copious and exact directions with which, according to the right honorable Baronet, the Government is bound to furnish its agent in China. No, Sir; the Duke of Wellington, grown old in the conduct of great affairs, knows better than anybody that a man of

very ordinary ability at Canton is likely to be a better judge of what ought to be done on an emergency arising at Canton than the greatest politician at Westminster can possibly be. His Grace, therefore, like a wise man as he is, wrote only one letter to the Superintendent, and in that letter merely referred the Superintendent to the general directions given by Lord Palmerston. And how, Sir, does the right honorable Baronet prove that, by persisting in the course which he himself took when in office, and which the Duke of Wellington took when in office, Her Majesty's present advisers have brought on that rupture which we all deplore? He has read us, from the voluminous papers which are on the table, much which has but a very remote connection with the question. He has said much about things which happened before the present Ministry existed, and much about things which have happened at Canton since the rupture; but very little that is relevant to the issue raised by the resolution which he has himself proposed. That issue is simply this, whether the mismanagement of the present Ministry produced the rupture. I listened to his long and able speech with the greatest attention, and did my best to separate that part which had any relation to his motion from a great mass of extraneous matter. If my analysis be correct, the charge which he brings against the Government consists of four articles.

The first article is, that the Government omitted to alter that part of the original instructions which directed the Superintendent to reside at Canton.

The second article is, that the Government omitted to alter that part of the original instructions which directed the Superintendent to communicate directly with the representatives of the Emperor.

The third article is, that the Government omitted to follow the advice of the Duke of Wellington, who had left at the Foreign Office a memorandum re-

commending that a British ship of war should be stationed in the China sea.

The fourth article is, that the Government omitted to authorise and empower the Superintendent to put down the contraband trade carried on by British subjects with China.

Such, Sir, are the counts of this indictment. Of these counts, the fourth is the only one which will require a lengthened defence. The first three may be disposed of in very few words.

As to the first, the answer is simple. It is true that the Government did not revoke that part of the instructions which directed the Superintendent to reside at Canton: and it is true that this part of the instructions did at one time cause a dispute between the Superintendent and the Chinese authorities. But it is equally true that this dispute was accommodated early in 1837; that the Chinese Government furnished the Superintendent with a passport authorising him to reside at Canton; that, during the two years which preceded the rupture, the Chinese Government made no objection to his residing at Canton; and that there is not in all this huge blue book one word indicating that the rupture was caused, directly or indirectly, by his residing at Canton. On the first count, therefore, I am confident that the verdict must be, Not Guilty.

To the second count we have a similar answer. It is true that there was a dispute with the authorities at Canton about the mode of communication. But it is equally true that this dispute was settled by a compromise. The Chinese made a concession as to the channel of communication. The Superintendent made a concession as to the form of communication. The question had been thus set at rest before the rupture, and had absolutely nothing to do with the rupture.

As to the third charge, I must tell the right

honorable Baronet that he has altogether misapprehended that memorandum which he so confidently cites. The Duke of Wellington did not advise the Government to station a ship of war constantly in the China seas. The Duke, writing in 1835, at a time when the regular course of the trade had been interrupted, recommended that a ship of war should be stationed near Canton "till the trade should take its regular peaceable course." Those are His Grace's own words. Do they not imply that, when the trade had again taken its regular peaceable course, it might be right to remove the ship of war? Well, Sir, the trade, after that memorandum was written, did resume its regular peaceable course: that the right honorable Baronet himself will admit; for it is part of his own case that Sir George Robinson had succeeded in restoring quiet and security. The third charge then is simply this, that the Ministers did not do in a time of perfect tranquillity what the Duke of Wellington thought that it would have been right to do in a time of trouble.

And now, Sir, I come to the fourth charge, the only real charge; for the other three are so futile that I hardly understand how the right honorable Baronet should have ventured to bring them forward. The fourth charge is, that the Ministers omitted to send to the Superintendent orders and powers to suppress the contraband trade, and that this omission was the cause of the rupture.

Now, Sir, let me ask whether it was not notorious, when the right honorable Baronet was in office, that British subjects carried on an extensive contraband trade with China? Did the right honorable Baronet and his colleagues instruct the Superintendent to put down that trade? Never. That trade went on while the Duke of Wellington was at the Foreign Office. Did the Duke of Wellington instruct the Superintendent to put down that trade? No, Sir,

never? Are then the followers of the right honorable Baronet, are the followers of the Duke of Wellington, prepared to pass a vote of censure on us for following the example of the right honorable Baronet and of the Duke of Wellington? But I am understating my case. Since the present Ministers came into office, the reasons against sending out such instructions were much stronger than when the right honorable Baronet was in office, or when the Duke of Wellington was in office. Down to the month of May, 1838, my noble friend had good grounds for believing that the Chinese Government was about to legalise the trade in opium. It is by no means easy to follow the windings of Chinese politics. But, it is certain that about four years ago the whole question was taken into serious consideration at Pekin. The attention of the Emperor was called to the undoubted fact, that the law which forbade the trade in opium was a dead letter. That law had been intended to guard against two evils, which the Chinese legislators seem to have regarded with equal horror, the importation of a noxious drug, and the exportation of the precious metals. It was found, however, that as many pounds of opium came in, and that as many pounds of silver went out, as if there had been no such law. The only effect of the prohibition was that the people learned to think lightly of imperial edicts, and that no part of the great sums expended in the purchase of the forbidden luxury came into the imperial treasury. These considerations were set forth in a most luminous and judicious state paper, drawn up by Tang Tzee, President of the Sacrificial Offices. I am sorry to hear that this enlightened minister has been turned out of office on account of his liberality: for to be turned out of office is, I apprehend, a much more serious misfortune in China than in England. Tang Tzee argued that it was unwise to attempt to exclude

opium, for that, while millions desired to have it, no law would keep it out, and that the manner in which it had long been brought in had produced an injurious effect both on the revenues of the state and on the morals of the people. Opposed to Tang Tzee was Tchu Sing, a statesman of a very different class, of a class which, I am sorry to say, is not confined to China. Tchu Sing appears to be one of those staunch Conservatives who, when they find that a law is inefficient because it is too severe, imagine that they can make it efficient by making it more severe still. His historical knowledge is much on a par with his legislative wisdom. He seems to have paid particular attention to the rise and progress of our Indian Empire, and he informs his imperial master that opium is the weapon by which England effects her conquests. She had, it seems, persuaded the people of Hindostan to smoke and swallow this besotting drug, till they became so feeble in body and mind, that they were subjugated without difficulty. Some time appears to have elapsed before the Emperor made up his mind on the point in dispute between Tang Tzee and Tchu Sing. Our Superintendent, Captain Elliot, was of opinion that the decision would be in favour of the rational view taken by Tang Tzee; and such, as I can myself attest, was, during part of the year 1837, the opinion of the whole mercantile community of Calcutta. Indeed, it was expected that every ship which arrived in the Hoogley from Canton would bring the news that the opium trade had been declared legal. Nor was it known in London till May, 1838, that the arguments of Tchu Sing had prevailed. Surely, Sir, it would have been most absurd to order Captain Elliot to suppress this trade at a time when everybody expected that it would soon cease to be contraband. The right honorable Baronet must, I think, himself admit that, till the month of May, 1838,

the Government here omitted nothing that ought to have been done.

The question before us is therefore reduced to very narrow limits. It is merely this: Ought my noble friend in May, 1838, to have sent out a despatch commanding and empowering Captain Elliot to put down the opium trade? I do not think that it would have been right or wise to send out such a despatch. Consider, Sir, with what powers it would have been necessary to arm the Superintendent. He must have been authorised to arrest, to confine, to send across the sea any British subject whom he might believe to have been concerned in introducing opium into China. I do not deny that, under the Act of Parliament, the Government might have invested him with this dictatorship. But I do say that the Government ought not lightly to invest any man with such a dictatorship, and that if, in consequence of directions sent out by the Government, numerous subjects of Her Majesty had been taken into custody and shipped off to Bengal or to England without being permitted to wind up their affairs, this House would in all probability have called the Ministers to a strict account. Nor do I believe that by sending such directions the Government would have averted the rupture which has taken place. I will go further. I believe that, if such directions had been sent, we should now have been, as we are, at war with China; and that we should have been at war in circumstances singularly dishonorable and disastrous.

For, Sir, suppose that the Superintendent had been authorised and commanded by the Government to put forth an order prohibiting British subjects from trading in opium; suppose that he had put forth such an order; how was he to enforce it? The right honorable Baronet has had too much experience of public affairs to imagine that a lucrative

trade will be suppressed by a sheet of paper and a seal. In England we have a preventive service which costs us half a million a year. We employ more than fifty cruisers to guard our coasts. We have six thousand effective men whose business is to intercept smugglers. And yet everybody knows that every article which is much desired, which is easily concealed, and which is heavily taxed, is smuggled into our island to a great extent. The quantity of brandy which comes in without paying duty is known to be not less than six hundred thousand gallons a year. Some people think that the quantity of tobacco which is imported clandestinely is as great as the quantity which goes through the custom houses. Be this as it may, there is no doubt that the illicit importation is enormous. It has been proved before a Committee of this House that not less than four millions of pounds of tobacco have lately been smuggled into Ireland. And all this, observe, has been done in spite of the most efficient preventive service that, I believe, ever existed in the world. Consider, too, that the price of an ounce of opium is far, very far higher, than the price of a pound of tobacco. Knowing this, knowing that the whole power of King, Lords, and Commons cannot here put a stop to a traffic less easy and less profitable than the traffic in opium, can you believe that an order prohibiting the traffic in opium would have been readily obeyed? Remember by what powerful motives both the buyer and the seller would have been impelled to deal with each other. The buyer would have been driven to the seller by something little short of torture, by a physical craving as fierce and impatient as any to which our race is subject. For, when stimulants of this sort have been long used, they are desired with a rage which resembles the rage of hunger. The seller would have been driven to the buyer by the hope of vast and rapid gain. And do

you imagine that the intense appetite, on one side for what had become a necessary of life, and on the other for riches, would have been appeased by a few lines signed Charles Elliot? The very utmost effect which it is possible to believe that such an order would have produced would have been this, that the opium trade would have left Canton, where the dealers were under the eye of the Superintendent, and where they would have run some risk of being punished by him, and would have spread itself along the coast. If we know anything about the Chinese government, we know this, that its coast guard is neither trusty nor efficient; and we know that a coast guard as trusty and as efficient as our own would not be able to cut off communication between the merchant longing for silver and the smoker longing for his pipe. Whole fleets of vessels would have managed to land their cargoes along the shore. Conflicts would have arisen between our countrymen and the local magistrates, who would not, like the authorities at Canton, have had some knowledge of European habits and feelings. The mere *malum prohibitum* would, as usual, have produced the *mala in se*. The unlawful traffic would inevitably have led to a crowd of acts, not only unlawful, but immoral. The smuggler would, by the almost irresistible force of circumstances, have been turned into a pirate. We know that, even at Canton, where the smugglers stand in some awe of the authority of the Superintendent and of the opinion of an English society which contains many respectable persons, the illicit trade has caused many brawls and outrages. What, then, was to be expected when every captain of a ship laden with opium would have been the sole judge of his own conduct? It is easy to guess what would have happened. A boat is sent ashore to fill the water-casks and to buy fresh provisions. The provisions are

refused. The sailors take them by force. Then a well is poisoned. Two or three of the ship's company die in agonies. The crew in a fury land, shoot and stab every man whom they meet, and sack and burn a village. Is this improbable? Have not similar causes repeatedly produced similar effects? Do we not know that the jealous vigilance with which Spain excluded the ships of other nations from her Transatlantic possessions turned men who would otherwise have been honest merchant adventurers into buccaneers? The same causes which raised up one race of buccaneers in the Gulf of Mexico would soon have raised up another in the China sea. And can we doubt what would in that case have been the conduct of the Chinese authorities at Canton? We see that Commissioner Lin has arrested and confined men of spotless character, men whom he had not the slightest reason to suspect of being engaged in any illicit commerce. He did so on the ground that some of their countrymen had violated the revenue laws of China. How then would he have acted if he had learned that the redheaded devils had not merely been selling opium, but had been fighting, plundering, slaying, burning? Would he not have put forth a proclamation in his most vituperative style, setting forth that the Outside Barbarians had undertaken to stop the contraband trade, but that they had been found deceivers, that the Superintendent's edict was a mere pretence, that there was more smuggling than ever, that to the smuggling had been added robbery and murder; and that therefore he should detain all men of the guilty race as hostages till reparation should be made. I say, therefore, that, if the Ministers had done that which the right honorable Baronet blames them for not doing, we should only have reached by a worse way the point at which we now are.

I have now, Sir, gone through the four heads of

the charge brought against the Government; and I say with confidence that the interruption of our friendly relations with China cannot justly be imputed to any one of the omissions mentioned by the right honorable Baronet. In truth, if I could feel assured that no gentleman would vote for the motion without attentively reading it, and considering whether the proposition which it affirms has been made out, I should have no uneasiness as to the result of this debate. But I know that no member weighs the words of a resolution for which he is asked to vote, as he would weigh the words of an affidavit which he was asked to swear. And I am aware that some persons, for whose humanity and honesty I entertain the greatest respect, are inclined to divide with the right honorable Baronet, not because they think that he has proved his case, but because they have taken up a notion that we are making war for the purpose of forcing the Government of China to admit opium into that country, and that, therefore, we richly deserve to be censured. Certainly, Sir, if we had been guilty of such absurdity and such atrocity as those gentlemen impute to us, we should deserve not only censure but condign punishment. But the imputation is altogether unfounded. Our course was clear. We may doubt indeed whether the Emperor of China judged well in listening to Tchu Sing and disgracing Tang Tzee. We may doubt whether it be a wise policy to exclude altogether from any country a drug which is often fatally abused, but which to those who use it rightly is one of the most precious boons vouchsafed by Providence to man, powerful to assuage pain, to soothe irritation, and to restore health. We may doubt whether it be a wise policy to make laws for the purpose of preventing the precious metals from being exported in the natural course of trade. We have learned from all history, and from our own

experience, that revenue cutters, custom house officers, informers, will never keep out of any country foreign luxuries of small bulk for which consumers are willing to pay high prices, and will never prevent gold and silver from going abroad in exchange for such luxuries. We cannot believe that what England, with her skilfully organized fiscal system and her gigantic marine, has never been able to effect, will be accomplished by the junks which are at the command of the mandarins of China. But, whatever our opinion on these points may be, we are perfectly aware that they are points which it belongs not to us but to the Emperor of China to decide. He had a perfect right to keep out opium and to keep in silver, if he could do so by means consistent with morality and public law. If his officers seized a chest of the forbidden drug, we were not entitled to complain; nor did we complain. But when, finding that they could not suppress the contraband trade by just means, they resorted to means flagrantly unjust, when they imprisoned our innocent countrymen, when they insulted our Sovereign in the person of her representative, then it became our duty to demand satisfaction. Whether the opium trade be a pernicious trade is not the question. Take a parallel case: take the most execrable crime that ever was called a trade, the African slave trade. You will hardly say that a contraband trade in opium is more immoral than a contraband trade in negroes. We prohibited slave trading: we made it felony; we made it piracy; we invited foreign powers to join with us in putting it down; to some foreign powers we paid large sums in order to obtain their co-operation; we employed our naval force to intercept the kidnappers; and yet it is notorious that, in spite of all our exertions and sacrifices, great numbers of slaves were, even as late as ten or twelve years ago, introduced from Madagascar into our own island of

Mauritius. Assuredly it was our right, it was our duty, to guard the coasts of that island strictly, to stop slave ships, to bring the buyers and sellers to punishment. But suppose, Sir, that a ship under French colours was seen skulking near the island, that the Governor was fully satisfied from her build, her rigging, and her movements, that she was a slaver, and was only waiting for the night to put on shore the wretches who were in her hold. Suppose that, not having a sufficient naval force to seize this vessel, he were to arrest thirty or forty French merchants, most of whom had never been suspected of slave trading, and were to lock them up. Suppose that he were to lay violent hands on the French consul. Suppose that the Governor were to threaten to starve his prisoners to death unless they produced the proprietor of the slaver. Would not the French Government in such a case have a right to demand reparation? And, if we refused reparation, would not the French Government have a right to exact reparation by arms? And would it be enough for us to say, "This is a wicked trade, an inhuman trade. Think of the misery of the poor creatures who are torn from their homes. Think of the horrors of the middle passage. Will you make war in order to force us to admit slaves into our colonies?" Surely the answer of the French would be, "We are not making war in order to force you to admit slaves into the Mauritius. By all means keep them out. By all means punish every man, French or English, whom you can convict of bringing them in. What we complain of is that you have confounded the innocent with the guilty, and that you have acted towards the representative of our Government in a manner inconsistent with the law of nations. Do not, in your zeal for one great principle, trample on all the other great principles of morality." Just such are the grounds on which Her Majesty has

demanded reparation from China. And was it not time? See, Sir, see how rapidly injury has followed injury. The Imperial Commissioner, emboldened by the facility with which he had perpetrated the first outrage, and utterly ignorant of the relative position of his country and ours in the scale of power and civilisation, has risen in his requisitions. He began by confiscating property. His next demand was for innocent blood. A Chinese had been slain. Careful inquiry was made; but it was impossible to ascertain who was the slayer, or even to what nation the slayer belonged. No matter. It was notified to the Superintendent that some subject of the Queen, innocent or guilty, must be delivered up to suffer death. The Superintendent refused to comply. Then our countrymen at Canton were seized. Those who were at Macao were driven thence; not men alone, but women with child, babies at the breast. The fugitives begged in vain for a morsel of bread. Our Lascars, people of a different colour from ours, but still our fellow subjects, were flung into the sea. An English gentleman was barbarously mutilated. And was this to be borne? I am far from thinking that we ought, in our dealings with such a people as the Chinese, to be litigious on points of etiquette. The place of our country among the nations of the world is not so mean or so ill-ascertained that we need resent mere impertinence, which is the effect of a very pitiable ignorance. Conscious of superior power, we can bear to hear our Sovereign described as a tributary of the Celestial Empire. Conscious of superior knowledge, we can bear to hear ourselves described as savages destitute of every useful art. When our ambassadors were required to perform a prostration, which in Europe would have been considered as degrading, we were rather amused than irritated. It would have been unworthy of us to have recourse to arms on account of an uncivil phrase,

or of a dispute about a ceremony. But this is not a question of phrases and ceremonies. The liberties and lives of Englishmen are at stake: and it is fit that all nations, civilised and uncivilised, should know that, wherever the Englishman may wander, he is followed by the eye and guarded by the power of England.

I was much touched, and so, I dare say, were many other gentlemen, by a passage in one of Captain Elliot's despatches. I mean that passage in which he describes his arrival at the factory in the moment of extreme danger. As soon as he landed he was surrounded by his countrymen, all in an agony of distress and despair. The first thing which he did was to order the British flag to be brought from his boat and planted in the balcony. The sight immediately revived the hearts of those who had a minute before given themselves up for lost. It was natural that they should look up with hope and confidence to that victorious flag. For it reminded them that they belonged to a country unaccustomed to defeat, to submission, or to shame; to a country which had exacted such reparation for the wrongs of her children as had made the ears of all who heard of it to tingle; to a country which had made the Dey of Algiers humble himself to the dust before her insulted Consul; to a country which had avenged the victims of the Black Hole on the Field of Plassey; to a country which had not degenerated since the great Protector vowed that he would make the name of Englishman as much respected as ever had been the name of Roman citizen. They knew that, surrounded as they were by enemies, and separated by great oceans and continents from all help, not a hair of their heads would be harmed with impunity. On this part of the subject I believe that both the great contending parties in this House are agreed. I did not detect in the speech of the

right honorable Baronet,—and I listened to that speech with the closest attention,—one word indicating that he is less disposed than we to insist on full satisfaction for the great wrong which has been done. I cannot believe that the House will pass a vote of censure so grossly unjust as that which he has moved. But I rejoice to think that, whether we are censured or not, the national honour will still be safe. There may be a change of men; but, as respects China, there will be no change of measures. I have done; and have only to express my fervent hope that this most righteous quarrel may be prosecuted to a speedy and triumphant close; that the brave men to whom is entrusted the task of exacting reparation may perform their duty in such a manner as to spread, throughout regions in which the English name is hardly known, the fame not only of English skill and valour, but of English mercy and moderation; and that the overruling care of that gracious Providence which has so often brought good out of evil may make the war to which we have been forced the means of establishing a durable peace, beneficial alike to the victors and the vanquished.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 5TH OF FEBRUARY, 1841.

On the twenty-ninth of January, 1841, Mr. Serjeant Talfourd obtained leave to bring in a bill to amend the law of copyright. The object of this bill was to extend the term of copyright in a book to sixty years, reckoned from the death of the writer.

On the fifth of February Mr. Serjeant Talfourd moved that the bill should be read a second time. In reply to him the following Speech was made. The bill was rejected by 45 votes to 38.

THOUGH, Sir, it is in some sense agreeable to approach a subject with which political animosities have nothing to do, I offer myself to your notice with some reluctance. It is painful to me to take a course which may possibly be misunderstood or misrepresented as unfriendly to the interests of literature and literary men. It is painful to me, I will add, to oppose my honorable and learned friend on a question which he has taken up from the purest motives, and which he regards with a parental interest. These feelings have hitherto kept me silent when the law of copyright has been under discussion. But as I am, on full consideration, satisfied that the measure before us will, if adopted, inflict grievous injury on the public, without conferring any compensating

advantage on men of letters, I think it my duty to avow that opinion and to defend it.

The first thing to be done, Sir, is to settle on what principles the question is to be argued. Are we free to legislate for the public good, or are we not? Is this a question of expediency, or is it a question of right? Many of those who have written and petitioned against the existing state of things treat the question as one of right. The law of nature, according to them, gives to every man a sacred and indefeasible property in his own ideas, in the fruits of his own reason and imagination. The legislature has indeed the power to take away this property, just as it has the power to pass an act of attainder for cutting off an innocent man's head without a trial. But, as such an act of attainder would be legal murder, so would an act invading the right of an author to his copy be, according to these gentlemen, legal robbery.

Now, Sir, if this be so, let justice be done, cost what it may. I am not prepared, like my honorable and learned friend, to agree to a compromise between right and expediency, and to commit an injustice for the public convenience. But I must say, that his theory soars far beyond the reach of my faculties. It is not necessary to go, on the present occasion, into a metaphysical inquiry about the origin of the right of property; and certainly nothing but the strongest necessity would lead me to discuss a subject so likely to be distasteful to the House. I agree, I own, with Paley in thinking that property is the creature of the law, and that the law which creates property can be defended only on this ground, that it is a law beneficial to mankind. But it is unnecessary to debate that point. For, even if I believed in a natural right of property, independent of utility and anterior to legislation, I should still deny that this right could survive the original proprietor.

Few, I apprehend, even of those who have studied in the most mystical and sentimental schools of moral philosophy, will be disposed to maintain that there is a natural law of succession older and of higher authority than any human code. If there be, it is quite certain that we have abuses to reform much more serious than any connected with the question of copyright. For this natural law can be only one; and the modes of succession in the Queen's dominions are twenty. To go no further than England, land generally descends to the eldest son. In Kent the sons share and share alike. In many districts the youngest takes the whole. Formerly a portion of a man's personal property was secured to his family; and it was only of the residue that he could dispose by will. Now he can dispose of the whole by will: but you limited his power, a few years ago, by enacting that the will should not be valid unless there were two witnesses. If a man dies intestate, his personal property generally goes according to the statute of distributions; but there are local customs which modify that statute. Now which of all these systems is conformed to the eternal standard of right? Is it primogeniture, or gavelkind, or borough English? Are wills *jure divino?* Are the two witnesses *jure divino?* Might not the *pars rationabilis* of our old law have a fair claim to be regarded as of celestial institution? Was the statute of distributions enacted in Heaven long before it was adopted by Parliament? Or is it to Custom of York, or to Custom of London that this preeminence belongs? Surely, Sir, even those who hold that there is a natural right of property must admit that rules prescribing the manner in which the effects of deceased persons shall be distributed are purely arbitrary, and originate altogether in the will of the legislature. If so, Sir, there is no controversy between my honorable and learned friend and myself as to the prin-

ciples on which this question is to be argued. For the existing law gives an author copyright during his natural life; nor do I propose to invade that privilege, which I should, on the contrary, be prepared to defend strenuously against any assailant. The only point in issue between us is, how long after an author's death the State shall recognise a copyright in his representatives and assigns; and it can, I think, hardly be disputed by any rational man that this is a point which the legislature is free to determine in the way which may appear to be most conducive to the general good.

We may now, therefore, I think, descend from these high regions, where we are in danger of being lost in the clouds, to firm ground and clear light. Let us look at this question like legislators, and after fairly balancing conveniences and inconveniences, pronounce between the existing law of copyright and the law now proposed to us. The question of copyright, Sir, like most questions of civil prudence, is neither black nor white, but grey. The system of copyright has great advantages and great disadvantages; and it is our business to ascertain what these are, and then to make an arrangement under which the advantages may be as far as possible secured, and the disadvantages as far as possible excluded. The charge which I bring against my honorable and learned friend's bill is this, that it leaves the advantages nearly what they are at present, and increases the disadvantages at least fourfold.

The advantages arising from a system of copyright are obvious. It is desirable that we should have a supply of good books: we cannot have such a supply unless men of letters are liberally remunerated; and the least objectionable way of remunerating them is by means of copyright. You cannot depend for literary instruction and amusement on the leisure of men occupied in the pursuits of active life. Such

men may occasionally produce compositions of great merit. But you must not look to such men for works which require deep meditation and long research. Works of that kind you can expect only from persons who make literature the business of their lives. Of these persons few will be found among the rich and the noble. The rich and the noble are not impelled to intellectual exertion by necessity. They may be impelled to intellectual exertion by the desire of distinguishing themselves, or by the desire of benefiting the community. But it is generally within these walls that they seek to signalise themselves and to serve their fellow creatures. Both their ambition and their public spirit, in a country like this, naturally take a political turn. It is then on men whose profession is literature, and whose private means are not ample, that you must rely for a supply of valuable books. Such men must be remunerated for their literary labour. And there are only two ways in which they can be remunerated. One of those ways is patronage; the other is copyright.

There have been times in which men of letters looked, not to the public, but to the Government, or to a few great men, for the reward of their exertions. It was thus in the time of Mæcenas and Pollio at Rome, of the Medici at Florence, of Lewis the Fourteenth in France, of Lord Halifax and Lord Oxford in this country. Now, Sir, I well know that there are cases in which it is fit and graceful, nay, in which it is a sacred duty to reward the merits or to relieve the distresses of men of genius by the exercise of this species of liberality. But these cases are exceptions. I can conceive no system more fatal to the integrity and independence of literary men than one under which they should be taught to look for their daily bread to the favour of ministers and nobles. I can conceive no system more certain

to turn those minds which are formed by nature to be the blessings and ornaments of our species into public scandals and pests.

We have, then, only one resource left. We must betake ourselves to copyright, be the inconveniences of copyright what they may. Those inconveniences, in truth, are neither few nor small. Copyright is monopoly, and produces all the effects which the general voice of mankind attributes to monopoly. My honorable and learned friend talks very contemptuously of those who are led away by the theory that monopoly makes things dear. That monopoly makes things dear is certainly a theory, as all the great truths which have been established by the experience of all ages and nations, and which are taken for granted in all reasonings, may be said to be theories. It is a theory in the same sense in which it is a theory, that day and night follow each other, that lead is heavier than water, that bread nourishes, that arsenic poisons, that alcohol intoxicates. If, as my honorable and learned friend seems to think, the whole world is in the wrong on this point, if the real effect of monopoly is to make articles good and cheap, why does he stop short in his career of change? Why does he limit the operation of so salutary a principle to sixty years? Why does he consent to anything short of a perpetuity? He told us that in consenting to anything short of a perpetuity he was making a compromise between extreme right and expediency. But if his opinion about monopoly be correct, extreme right and expediency would coincide. Or rather why should we not restore the monopoly of the East India trade to the East India Company? Why should we not revive all those old monopolies which, in Elizabeth's reign, galled our fathers so severely that, maddened by intolerable wrong, they opposed to their sovereign a resistance before which her haughty spirit quailed for the first

and for the last time? Was it the cheapness and excellence of commodities that then so violently stirred the indignation of the English people? I believe, Sir, that I may safely take it for granted that the effect of monopoly generally is to make articles scarce, to make them dear, and to make them bad. And I may with equal safety challenge my honorable friend to find out any distinction between copyright and other privileges of the same kind; any reason why a monopoly of books should produce an effect directly the reverse of that which was produced by the East India Company's monopoly of tea, or by Lord Essex's monopoly of sweet wines. Thus, then, stands the case. It is good that authors should be remunerated; and the least exceptionable way of remunerating them is by a monopoly. Yet monopoly is an evil. For the sake of the good we must submit to the evil; but the evil ought not to last a day longer than is necessary for the purpose of securing the good.

Now, I will not affirm, that the existing law is perfect, that it exactly hits the point at which the monopoly ought to cease; but this I confidently say, that the existing law is very much nearer that point than the law proposed by my honorable and learned friend. For consider this; the evil effects of the monopoly are proportioned to the length of its duration. But the good effects for the sake of which we bear with the evil effects are by no means proportioned to the length of its duration. A monopoly of sixty years produces twice as much evil as a monopoly of thirty years, and thrice as much evil as a monopoly of twenty years. But it is by no means the fact that a posthumous monopoly of sixty years gives to an author thrice as much pleasure and thrice as strong a motive as a posthumous monopoly of twenty years. On the contrary, the difference is so small as to be hardly perceptible. We all know

how faintly we are affected by the prospect of very distant advantages, even when they are advantages which we may reasonably hope that we shall ourselves enjoy. But an advantage that is to be enjoyed more than half a century after we are dead, by somebody, we know not by whom, perhaps by somebody unborn, by somebody utterly unconnected with us, is really no motive at all to action. It is very probable, that in the course of some generations, land in the unexplored and unmapped heart of the Australasian continent, will be very valuable. But there is none of us who would lay down five pounds for a whole province in the heart of the Australasian continent. We know, that neither we, nor anybody for whom we care, will ever receive a farthing of rent from such a province. And a man is very little moved by the thought that in the year 2000 or 2100, somebody who claims through him will employ more shepherds than Prince Esterhazy, and will have the finest house and gallery of pictures at Victoria or Sydney. Now, this is the sort of boon which my honorable and learned friend holds out to authors. Considered as a boon to them, it is a mere nullity; but, considered as an impost on the public, it is no nullity, but a very serious and pernicious reality. I will take an example. Dr. Johnson died fifty-six years ago. If the law were what my honorable and learned friend wishes to make it, somebody would now have the monopoly of Dr. Johnson's works. Who that somebody would be it is impossible to say; but we may venture to guess. I guess, then, that it would have been some bookseller, who was the assign of another bookseller, who was the grandson of a third bookseller, who had bought the copyright from Black Frank, the Doctor's servant and residuary legatee, in 1785 or 1786. Now, would the knowledge that this copyright would exist in 1841 have been a source of gratification to Johnson? Would

it have stimulated his exertions? Would it have once drawn him out of his bed before noon? Would it have once cheered him under a fit of the spleen? Would it have induced him to give us one more allegory, one more life of a poet, one more imitation of Juvenal? I firmly believe not. I firmly believe that a hundred years ago, when he was writing our debates for the Gentleman's Magazine, he would very much rather have had twopence to buy a plate of shin of beef at a cook's shop underground. Considered as a reward to him, the difference between a twenty years' term and a sixty years' term of posthumous copyright would have been nothing or next to nothing. But is the difference nothing to us? I can buy Rasselas for sixpence; I might have had to give five shillings for it. I can buy the Dictionary, the entire genuine Dictionary, for two guineas, perhaps for less; I might have had to give five or six guineas for it. Do I grudge this to a man like Dr. Johnson? Not at all. Show me that the prospect of this boon roused him to any vigorous effort, or sustained his spirits under depressing circumstances, and I am quite willing to pay the price of such an object, heavy as that price is. But what I do complain of is that my circumstances are to be worse, and Johnson's none the better; that I am to give five pounds for what to him was not worth a farthing.

The principle of copyright is this. It is a tax on readers for the purpose of giving a bounty to writers. The tax is an exceedingly bad one; it is a tax on one of the most innocent and most salutary of human pleasures; and never let us forget, that a tax on innocent pleasures is a premium on vicious pleasures. I admit, however, the necessity of giving a bounty to genius and learning. In order to give such a bounty, I willingly submit even to this severe and burdensome tax. Nay, I am ready to increase the

tax, if it can be shown that by so doing I should proportionally increase the bounty. My complaint is, that my honorable and learned friend doubles, triples, quadruples, the tax, and makes scarcely any perceptible addition to the bounty. Why, Sir, what is the additional amount of taxation which would have been levied on the public for Dr. Johnson's works alone, if my honorable and learned friend's bill had been the law of the land? I have not data sufficient to form an opinion. But I am confident that the taxation on his Dictionary alone would have amounted to many thousands of pounds. In reckoning the whole additional sum which the holders of his copyrights would have taken out of the pockets of the public during the last half century at twenty thousand pounds, I feel satisfied that I very greatly underrate it. Now, I again say that I think it but fair that we should pay twenty thousand pounds in consideration of twenty thousand pounds worth of pleasure and encouragement received by Dr. Johnson. But I think it very hard that we should pay twenty thousand pounds for what he would not have valued at five shillings.

My honorable and learned friend dwells on the claims of the posterity of great writers. Undoubtedly, Sir, it would be very pleasing to see a descendant of Shakespeare living in opulence on the fruits of his great ancestor's genius. A house maintained in splendour by such a patrimony would be a more interesting and striking object than Blenheim is to us, or than Strathfieldsaye will be to our children. But, unhappily, it is scarcely possible that, under any system, such a thing can come to pass. My honorable and learned friend does not propose that copyright shall descend to the eldest son, or shall be bound up by irrevocable entail. It is to be merely personal property. It is therefore highly improbable that it will descend during sixty years or half that

term from parent to child. The chance is that more people than one will have an interest in it. They will in all probability sell it and divide the proceeds. The price which a bookseller will give for it will bear no proportion to the sum which he will afterwards draw from the public, if his speculation proves successful. He will give little, if any thing, more for a term of sixty years than for a term of thirty or five and twenty. The present value of a distant advantage is always small; but when there is great room to doubt whether a distant advantage will be any advantage at all, the present value sinks to almost nothing. Such is the inconstancy of the public taste that no sensible man will venture to pronounce, with confidence, what the sale of any book published in our days will be in the years between 1890 and 1900. The whole fashion of thinking and writing has often undergone a change in a much shorter period than that to which my honorable and learned friend would extend posthumous copyright. What would have been considered the best literary property in the earlier part of Charles the Second's reign? I imagine Cowley's poems. Overleap sixty years, and you are in the generation of which Pope asked, "who now reads Cowley?" What works were ever expected with more impatience by the public than those of Lord Bolingbroke, which appeared, I think, in 1754. In 1814, no bookseller would have thanked you for the copyright of them all, if you had offered it to him for nothing. What would Paternoster Row give now for the copyright of Hayley's Triumphs of Temper, so much admired within the memory of many people still living? I say, therefore, that, from the very nature of literary property, it will almost always pass away from an author's family; and I say, that the price given for it to the family will bear a very small proportion to the tax which the purchaser, if

his speculation turns out well, will in the course of a long series of years levy on the public.

If, Sir, I wished to find a strong and perfect illustration of the effects which I anticipate from long copyright, I should select,—my honorable and learned friend will be surprised,—I should select the case of Milton's granddaughter. As often as this bill has been under discussion, the fate of Milton's granddaughter has been brought forward by the advocates of monopoly. My honorable and learned friend has repeatedly told the story with great eloquence and effect. He has dilated on the sufferings, on the abject poverty, of this illfated woman, the last of an illustrious race. He tells us that, in the extremity of her distress, Garrick gave her a benefit, that Johnson wrote a prologue, and that the public contributed some hundreds of pounds. Was it fit, he asks, that she should receive, in this eleemosynary form, a small portion of what was in truth a debt? Why, he asks, instead of obtaining a pittance from charity, did she not live in comfort and luxury on the proceeds of the sale of her ancestor's works? But, Sir, will my honorable and learned friend tell me that this event, which he has so often and so pathetically described, was caused by the shortness of the term of copyright? Why, at that time, the duration of copyright was longer than even he, at present, proposes to make it. The monopoly lasted not sixty years, but for ever. At the time at which Milton's granddaughter asked charity, Milton's works were the exclusive property of a bookseller. Within a few months of the day on which the benefit was given at Garrick's theatre, the holder of the copyright of Paradise Lost,—I think it was Tonson,—applied to the Court of Chancery for an injunction against a bookseller, who had published a cheap edition of the great epic poem, and obtained the injunction. The representation of Comus was, if I

remember rightly, in 1750; the injunction in 1752. Here, then, is a perfect illustration of the effect of long copyright. Milton's works are the property of a single publisher. Everybody who wants them must buy them at Tonson's shop, and at Tonson's price. Whoever attempts to undersell Tonson is harassed with legal proceedings. Thousands who would gladly possess a copy of Paradise Lost, must forego that great enjoyment. And what, in the meantime, is the situation of the only person for whom we can suppose that the author, protected at such a cost to the public, was at all interested? She is reduced to utter destitution. Milton's works are under a monopoly. Milton's granddaughter is starving. The reader is pillaged; but the writer's family is not enriched. Society is taxed doubly. It has to give an exorbitant price for the poems; and it has at the same time to give alms to the only surviving descendant of the poet.

But this is not all. I think it right, Sir, to call the attention of the House to an evil, which is perhaps more to be apprehended when an author's copyright remains in the hands of his family, than when it is transferred to booksellers. I seriously fear that, if such a measure as this should be adopted, many valuable works will be either totally suppressed or grievously mutilated. I can prove that this danger is not chimerical; and I am quite certain that, if the danger be real, the safeguards which my honorable and learned friend has devised are altogether nugatory. That the danger is not chimerical may easily be shown. Most of us, I am sure, have known persons who, very erroneously as I think, but from the best motives, would not choose to reprint Fielding's novels, or Gibbon's History of the Decline and Fall of the Roman Empire. Some gentlemen may perhaps be of opinion, that it would be as well if Tom Jones and Gibbon's History were never

reprinted. I will not, then, dwell on these or similar cases. I will take cases respecting which it is not likely that there will be any difference of opinion here; cases, too, in which the danger of which I now speak is not matter of supposition, but matter of fact. Take Richardson's novels. Whatever I may, on the present occasion, think of my honorable and learned friend's judgment as a legislator, I must always respect his judgment as a critic. He will, I am sure, say that Richardson's novels are among the most valuable, among the most original works in our language. No writings have done more to raise the fame of English genius in foreign countries. No writings are more deeply pathetic. No writings, those of Shakspeare excepted, show more profound knowledge of the human heart. As to their moral tendency, I can cite the most respectable testimony. Dr. Johnson describes Richardson as one who had taught the passions to move at the command of virtue. My dear and honoured friend, Mr. Wilberforce, in his celebrated religious treatise, when speaking of the unchristian tendency of the fashionable novels of the eighteenth century, distinctly excepts Richardson from the censure. Another excellent person whom I can never mention without respect and kindness, Mrs. Hannah More, often declared in conversation, and has declared in one of her published poems, that she first learned from the writings of Richardson those principles of piety by which her life was guided. I may safely say that books celebrated as works of art through the whole civilised world, and praised for their moral tendency by Dr. Johnson, by Mr. Wilberforce, by Mrs. Hannah More, ought not to be suppressed. Sir, it is my firm belief, that if the law had been what my honorable and learned friend proposes to make it, they would have been suppressed. I remember Richardson's grandson well; he was a clergyman in the city of London;

he was a most upright and excellent man: but he had conceived a strong prejudice against works of fiction. He thought all novel-reading not only frivolous but sinful. He said,—this I state on the authority of one of his clerical brethren who is now a bishop,—he said that he had never thought it right to read one of his grandfather's books. Suppose, Sir, that the law had been what my honorable and learned friend would make it. Suppose that the copyright of Richardson's novels had descended, as might well have been the case, to this gentleman. I firmly believe, that he would have thought it sinful to give them a wide circulation. I firmly believe, that he would not for a hundred thousand pounds have deliberately done what he thought sinful. He would not have reprinted them. And what protection does my honorable and learned friend give to the public in such a case? Why, Sir, what he proposes is this: if a book is not reprinted during five years, any person who wishes to reprint it may give notice in the London Gazette: the advertisement must be repeated three times: a year must elapse; and then, if the proprietor of the copyright does not put forth a new edition, he loses his exclusive privilege. Now, what protection is this to the public? What is a new edition? Does the law define the number of copies that make an edition? Does it limit the price of a copy? Are twelve copies on large paper, charged at thirty guineas each, an edition? It has been usual, when monopolies have been granted, to prescribe numbers and to limit prices. But I do not find that my honorable and learned friend proposes to do so in the present case. And, without some such provision, the security which he offers is manifestly illusory. It is my conviction, that under such a system as that which he recommends to us, a copy of Clarissa would have been as rare as an Aldus or a Caxton.

I will give another instance. One of the most instructive, interesting, and delightful books in our language is Boswell's Life of Johnson. Now it is well known that Boswell's eldest son considered this book, considered the whole relation of Boswell to Johnson, as a blot on the escutcheon of the family. He thought, not perhaps altogether without reason, that his father had exhibited himself in a ludicrous and degrading light. And thus he became so sore and irritable that at last he could not bear to hear the Life of Johnson mentioned. Suppose that the law had been what my honorable and learned friend wishes to make it. Suppose that the copyright of Boswell's Life of Johnson had belonged, as it well might, during sixty years, to Boswell's eldest son. What would have been the consequence? An unadulterated copy of the finest biographical work in the world would have been as scarce as the first edition of Camden's Britannia.

These are strong cases. I have shown you that, if the law had been what you are now going to make it, the finest prose work of fiction in the language, the finest biographical work in the language, would very probably have been suppressed. But I have stated my case weakly. The books which I have mentioned are singularly inoffensive books, books not touching on any of those questions which drive even wise men beyond the bounds of wisdom. There are books of a very different kind, books which are the rallying points of great political and religious parties. What is likely to happen if the copyright of one of these books should by descent or transfer come into the possession of some hostile zealot? I will take a single instance. It is only fifty years since John Wesley died; and all his works, if the law had been what my honorable and learned friend wishes to make it, would now have been the property of some person or other. The sect founded by Wesley is the most

numerous, the wealthiest, the most powerful, the most zealous of sects. In every parliamentary election it is a matter of the greatest importance to obtain the support of the Wesleyan Methodists. Their numerical strength is reckoned by hundreds of thousands. They hold the memory of their founder in the greatest reverence; and not without reason, for he was unquestionably a great and a good man. To his authority they constantly appeal. His works are in their eyes of the highest value. His doctrinal writings they regard as containing the best system of theology ever deduced from Scripture. His journals, interesting even to the common reader, are peculiarly interesting to the Methodist: for they contain the whole history of that singular polity which, weak and despised in its beginning, is now, after the lapse of a century, so strong, so flourishing, and so formidable. The hymns to which he gave his Imprimatur are a most important part of the public worship of his followers. Now, suppose that the copyright of these works should belong to some person who holds the memory of Wesley and the doctrines and discipline of the Methodists in abhorrence. There are many such persons. The Ecclesiastical Courts are at this very time sitting on the case of a clergyman of the Established Church who refused Christian burial to a child baptised by a Methodist preacher. I took up the other day a work which is considered as among the most respectable organs of a large and growing party in the Church of England, and there I saw John Wesley designated as a forsworn priest. Suppose that the works of Wesley were suppressed. Why, Sir, such a grievance would be enough to shake the foundations of Government. Let gentlemen who are attached to the Church reflect for a moment what their feelings would be if the Book of Common Prayer were not to be reprinted for thirty or forty years, if the price of a Book of

Common Prayer were run up to five or ten guineas. And then let them determine whether they will pass a law under which it is possible, under which it is probable, that so intolerable a wrong may be done to some sect consisting perhaps of half a million of persons.

I am so sensible, Sir, of the kindness with which the House has listened to me, that I will not detain you longer. I will only say this, that if the measure before us should pass, and should produce one tenth part of the evil which it is calculated to produce, and which I fully expect it to produce, there will soon be a remedy, though of a very objectionable kind. Just as the absurd acts which prohibited the sale of game were virtually repealed by the poacher, just as many absurd revenue acts have been virtually repealed by the smuggler, so will this law be virtually repealed by piratical booksellers. At present the holder of copyright has the public feeling on his side. Those who invade copyright are regarded as knaves who take the bread out of the mouths of deserving men. Every body is well pleased to see them restrained by the law, and compelled to refund their ill-gotten gains. No tradesmen of good repute will have anything to do with such disgraceful transactions. Pass this law: and that feeling is at an end. Men very different from the present race of piratical booksellers will soon infringe this intolerable monopoly. Great masses of capital will be constantly employed in the violation of the law. Every art will be employed to evade legal pursuit; and the whole nation will be in the plot. On which side indeed should the public sympathy be when the question is whether some book as popular as Robinson Crusoe, or the Pilgrim's Progress, shall be in every cottage, or whether it shall be confined to the libraries of the rich for the advantage of the great-grandson of a bookseller who, a hundred years before, drove a hard

bargain for the copyright with the author when in great distress? Remember too that, when once it ceases to be considered as wrong and discreditable to invade literary property, no person can say where the invasion will stop. The public seldom makes nice distinctions. The wholesome copyright which now exists will share in the disgrace and danger of the new copyright which you are about to create. And you will find that, in attempting to impose unreasonable restraints on the reprinting of the works of the dead, you have, to a great extent, annulled those restraints which now prevent men from pillaging and defrauding the living. If I saw, Sir, any probability that this bill could be so amended in the Committee that my objections might be removed, I would not divide the House in this stage. But I am so fully convinced that no alteration which would not seem insupportable to my honorable and learned friend, could render his measure supportable to me, that I must move, though with regret, that this bill be read a second time this day six months.

A SPEECH

DELIVERED IN

A COMMITTEE OF THE HOUSE OF COMMONS ON THE 6TH OF APRIL, 1842.

On the third of March, 1842, Lord Mahon obtained permission to bring in a bill to amend the Law of Copyright. This bill extended the term of Copyright in a book to twenty-five years, reckoned from the death of the author.

On the sixth of April the House went into Committee on the bill, and Mr. Greene took the Chair. Several divisions took place, of which the result was that the plan suggested in the following Speech was, with some modifications, adopted.

MR. GREENE,

I HAVE been amused and gratified by the remarks which my noble friend [1] has made on the arguments by which I prevailed on the last House of Commons to reject the bill introduced by a very able and accomplished man, Mr. Serjeant Talfourd. My noble friend has done me a high and rare honour. For this is, I believe, the first occasion on which a speech made in one Parliament has been answered in another. I should not find it difficult to vindicate the soundness of the reasons which I formerly urged, to set them in a clearer light, and to fortify them by additional facts. But it seems to me that we had better discuss

[1] Lord Mahon.

the bill which is now on our table than the bill which was there fourteen months ago. Glad I am to find that there is a very wide difference between the two bills, and that my noble friend, though he has tried to refute my arguments, has acted as if he had been convinced by them. I objected to the term of sixty years as far too long. My noble friend has cut that term down to twenty-five years. I warned the House that, under the provisions of Mr. Serjeant Talfourd's bill, valuable works might not improbably be suppressed by the representatives of authors. My noble friend has prepared a clause which, as he thinks, will guard against that danger. I will not therefore waste the time of the Committee by debating points which he has conceded, but will proceed at once to the proper business of this evening.

Sir, I have no objection to the principle of my noble friend's bill. Indeed, I had no objection to the principle of the bill of last year. I have long thought that the term of copyright ought to be extended. When Mr. Serjeant Talfourd moved for leave to bring in his bill, I did not oppose the motion. Indeed I meant to vote for the second reading, and to reserve what I had to say for the Committee. But the learned Serjeant left me no choice. He, in strong language, begged that nobody who was disposed to reduce the term of sixty years would divide with him. "Do not," he said, "give me your support if all that you mean to grant to men of letters is a miserable addition of fourteen or fifteen years to the present term. I do not wish for such support. I despise it." Not wishing to obtrude on the learned Serjeant a support which he despised, I had no course left but to take the sense of the House on the second reading. The circumstances are now different. My noble friend's bill is not at present a good bill; but it may be improved into a very good bill; nor will he, I am persuaded, withdraw it if it should be so

improved. He and I have the same object in view; but we differ as to the best mode of attaining that object. We are equally desirous to extend the protection now enjoyed by writers. In what way it may be extended with most benefit to them and with least inconvenience to the public, is the question.

The present state of the law is this. The author of a work has a certain copyright in that work for a term of twenty-eight years. If he should live more than twenty-eight years after the publication of the work, he retains the copyright to the end of his life.

My noble friend does not propose to make any addition to the term of twenty-eight years. But he proposes that the copyright shall last twenty-five years after the author's death. Thus my noble friend makes no addition to that term which is certain, but makes a very large addition to that term which is uncertain.

My plan is different. I would make no addition to the uncertain term; but I would make a large addition to the certain term. I propose to add fourteen years to the twenty-eight years which the law now allows to an author. His copyright will, in this way, last till his death, or till the expiration of forty-two years, whichever shall first happen. And I think that I shall be able to prove to the satisfaction of the Committee that my plan will be more beneficial to literature and to literary men than the plan of my noble friend.

It must surely, Sir, be admitted that the protection which we give to books ought to be distributed as evenly as possible, that every book should have a fair share of that protection, and no book more than a fair share. It would evidently be absurd to put tickets into a wheel, with different numbers marked upon them, and to make writers draw, one a term of twenty-eight years, another a term of fifty, another a term of ninety. And yet this sort of lottery is

what my noble friend proposes to establish. I know that we cannot altogether exclude chance. You have two terms of copyright; one certain, the other uncertain; and we cannot, I admit, get rid of the uncertain term. It is proper, no doubt, that an author's copyright should last during his life. But, Sir, though we cannot altogether exclude chance, we can very much diminish the share which chance must have in distributing the recompense which we wish to give to genius and learning. By every addition which we make to the certain term we diminish the influence of chance; by every addition which we make to the uncertain term we increase the influence of chance. I shall make myself best understood by putting cases. Take two eminent female writers, who died within our own memory, Madame D'Arblay and Miss Austen. As the law now stands, Miss Austen's charming novels would have only from twenty-eight to thirty-three years of copyright. For that extraordinary woman died young: she died before her genius was fully appreciated by the world. Madame D'Arblay outlived the whole generation to which she belonged. The copyright of her celebrated novel, Evelina, lasted, under the present law, sixty-two years. Surely this inequality is sufficiently great, sixty-two years of copyright for Evelina, only twenty-eight for Persuasion. But to my noble friend this inequality seems not great enough. He proposes to add twenty-five years to Madame D'Arblay's term, and not a single day to Miss Austen's term. He would give to Persuasion a copyright of only twenty-eight years, as at present, and to Evelina a copyright more than three times as long, a copyright of eighty-seven years. Now, is this reasonable? See, on the other hand, the operation of my plan. I make no addition at all to Madame D'Arblay's term of sixty-two years, which is, in my opinion, quite long enough; but I

extend Miss Austen's term to forty-two years, which is, in my opinion, not too much. You see, Sir, that at present chance has too much sway in this matter; that at present the protection which the state gives to letters is very unequally given. You see that if my noble friend's plan be adopted, more will be left to chance than under the present system, and you will have such inequalities as are unknown under the present system. You see also that, under the system which I recommend, we shall have, not perfect certainty, not perfect equality, but much less uncertainty and inequality than at present.

But this is not all. My noble friend's plan is not merely to institute a lottery in which some writers will draw prizes and some will draw blanks. It is much worse than this. His lottery is so contrived that, in the vast majority of cases, the blanks will fall to the best books, and the prizes to books of inferior merit.

Take Shakspeare. My noble friend gives a longer protection than I should give to Love's Labour's Lost, and Pericles, Prince of Tyre; but he gives a shorter protection than I should give to Othello and Macbeth.

Take Milton. Milton died in 1674. The copyrights of Milton's great works would, according to my noble friend's plan, expire in 1699. Comus appeared in 1634, the Paradise Lost in 1688. To Comus, then, my noble friend would give sixty-five years of copyright, and to the Paradise Lost only thirty-one years. Is that reasonable? Comus is a noble poem: but who would rank it with the Paradise Lost? My plan would give forty-two years both to the Paradise Lost and to Comus.

Let us pass on from Milton to Dryden. My noble friend would give more than sixty years of copyright to Dryden's worst works; to the encomiastic verses on Oliver Cromwell, to the Wild Gallant, to the Rival

Ladies, to other wretched pieces as bad as anything written by Flecknoe or Settle: but for Theodore and Honoria, for Tancred and Sigismunda, for Cimon and Iphigenia, for Palamon and Arcite, for Alexander's Feast, my noble friend thinks a copyright of twenty-eight years sufficient. Of all Pope's works, that to which my noble friend would give the largest measure of protection is the volume of Pastorals, remarkable only as the production of a boy. Johnson's first work was a Translation of a Book of Travels in Abyssinia, published in 1735. It was so poorly executed that in his later years he did not like to hear it mentioned. Boswell once picked up a copy of it, and told his friend that he had done so. "Do not talk about it," said Johnson: "it is a thing to be forgotten." To this performance my noble friend would give protection during the enormous term of seventy-five years. To the Lives of the Poets he would give protection during about thirty years. Well; take Henry Fielding; it matters not whom I take, but take Fielding. His early works are read only by the curious, and would not be read even by the curious, but for the fame which he acquired in the later part of his life by works of a very different kind. What is the value of the Temple Beau, of the Intriguing Chambermaid, of half a dozen other plays of which few gentlemen have even heard the names? Yet to these worthless pieces my noble friend would give a term of copyright longer by more than twenty years than that which he would give to Tom Jones and Amelia.

Go on to Burke. His little tract, entitled The Vindication of Natural Society, is certainly not without merit; but it would not be remembered in our days if it did not bear the name of Burke. To this tract my noble friend would give a copyright of near seventy years. But to the great work on the French Revolution, to the Appeal from the New to the Old Whigs, to the letters on the Regicide Peace, he

would give a copyright of thirty years or little more.

And, Sir, observe that I am not selecting here and there extraordinary instances in order to make up the semblance of a case. I am taking the greatest names of our literature in chronological order. Go to other nations; go to remote ages; you will still find the general rule the same. There was no copyright at Athens or Rome; but the history of the Greek and Latin literature illustrates my argument quite as well as if copyright had existed in ancient times. Of all the plays of Sophocles, the one to which the plan of my noble friend would have given the most scanty recompense would have been that wonderful masterpiece, the Œdipus at Colonos. Who would class together the Speech of Demosthenes against his Guardians, and the Speech for the Crown? My noble friend, indeed, would not class them together. For to the Speech against the Guardians he would give a copyright of near seventy years; and to the incomparable Speech for the Crown a copyright of less than half that length. Go to Rome. My noble friend would give more than twice as long a term to Cicero's juvenile declamation in defence of Roscius Amerinus as to the Second Philippic. Go to France; my noble friend would give a far longer term to Racine's Frères Ennemis than to Athalie, and to Molière's Étourdi than to Tartuffe. Go to Spain. My noble friend would give a longer term to forgotten works of Cervantes, works which nobody now reads, than to Don Quixote. Go to Germany. According to my noble friend's plan, of all the works of Schiller the Robbers would be the most favoured: of all the works of Goethe, the Sorrows of Werter would be the most favoured. I thank the Committee for listening so kindly to this long enumeration. Gentlemen will perceive, I am sure, that it is not from pedantry that I mention the

names of so many books and authors. But just as, in our debates on civil affairs, we constantly draw illustrations from civil history, we must, in a debate about literary property, draw our illustrations from literary history. Now, Sir, I have, I think, shown from literary history that the effect of my noble friend's plan would be to give to crude and imperfect works, to third-rate and fourth-rate works, a great advantage over the highest productions of genius. It is impossible to account for the facts which I have laid before you by attributing them to mere accident. Their number is too great, their character too uniform. We must seek for some other explanation; and we shall easily find one.

It is the law of our nature that the mind shall attain its full power by slow degrees; and this is especially true of the most vigorous minds. Young men, no doubt, have often produced works of great merit; but it would be impossible to name any writer of the first order whose juvenile performances were his best. That all the most valuable books of history, of philology, of physical and metaphysical science, of divinity, of political economy, have been produced by men of mature years, will hardly be disputed.

The case may not be quite so clear as respects works of the imagination. And yet I know no work of the imagination of the very highest class that was ever, in any age or country, produced by a man under thirty-five. Whatever powers a youth may have received from nature, it is impossible that his taste and judgment can be ripe, that his mind can be richly stored with images, that he can have observed the vicissitudes of life, that he can have studied the nicer shades of character. How, as Marmontel very sensibly said, is a person to paint portraits who has never seen faces? On the whole I believe that I may, without fear of contradiction, affirm this, that of the good books now extant in the world more

than nineteen-twentieths were published after the writers had attained the age of forty. If this be so, it is evident that the plan of my noble friend is framed on a vicious principle. For, while he gives to juvenile productions a very much larger protection than they now enjoy, he does comparatively little for the works of men in the full maturity of their powers, and absolutely nothing for any work which is published during the last three years of the life of the writer. For, by the existing law, the copyright of such a work lasts twenty-eight years from the publication; and my noble friend gives only twenty-five years to be reckoned from the writer's death.

What I recommend is, that the certain term, reckoned from the date of publication, shall be forty-two years instead of twenty-eight years. In this arrangement there is no uncertainty, no inequality. The advantage which I propose to give will be the same to every book. No work will have so long a copyright as my noble friend gives to some books, or so short a copyright as he gives to others. No copyright will last ninety years. No copyright will end in twenty-eight years. To every book published in the course of the last seventeen years of a writer's life I give a longer term of copyright than my noble friend gives; and I am confident that no person versed in literary history will deny this,—that in general the most valuable works of an author are published in the course of the last seventeen years of his life. I will rapidly enumerate a few, and but a few, of the great works of English writers to which my plan is more favourable than my noble friend's plan. To Lear, to Macbeth, to Othello, to the Fairy Queen, to the Paradise Lost, to Bacon's Novum Organum and De Augmentis, to Locke's Essay on the Human Understanding, to Clarendon's History, to Hume's History, to Gibbon's History, to Smith's Wealth

of Nations, to Addison's Spectators, to almost all the great works of Burke, to Clarissa and Sir Charles Grandison, to Joseph Andrews, Tom Jones, and Amelia, and, with the single exception of Waverley, to all the novels of Sir Walter Scott, I give a longer term of copyright than my noble friend gives. Can he match that list? Does not that list contain what England has produced greatest in many various ways, poetry, philosophy, history, eloquence, wit, skilful portraiture of life and manners? I confidently, therefore, call on the Committee to take my plan in preference to the plan of my noble friend. I have shown that the protection which he proposes to give to letters is unequal, and unequal in the worst way. I have shown that his plan is to give protection to books in inverse proportion to their merit. I shall move when we come to the third clause of the bill to omit the words "twenty-five years," and in a subsequent part of the same clause I shall move to substitute for the words "twenty-eight years" the words "forty-two years." I earnestly hope that the Committee will adopt these amendments; and I feel the firmest conviction that my noble friend's bill, so amended, will confer a great boon on men of letters with the smallest possible inconvenience to the public.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 3RD OF MAY, 1842.

On the second of May, 1842, Mr. Thomas Duncombe, Member for Finsbury, presented a petition, very numerously signed, of which the prayer was as follows:

> "Your petitioners, therefore, exercising their just constitutional right, demand that your Honorable House, to remedy the many gross and manifest evils of which your petitioners complain, do immediately, without alteration, deduction, or addition, pass into a law the document entitled the People's Charter."

On the following day Mr. Thomas Duncombe moved that the petitioners should be heard by themselves or their Counsel at the Bar of the House. The following Speech was made in opposition to the motion.

The motion was rejected by 287 votes to 49.

MR. SPEAKER,

I WAS particularly desirous to catch your eye this evening, because, when the motion of the honorable member for Rochdale[1] was under discussion, I was unable to be in my place. I understand that, on that occasion, the absence of some members of the late Government was noticed in severe terms, and was attributed to discreditable motives. As for myself, Sir, I was prevented from coming down to the House by illness: a noble friend of mine, to whom

[1] Mr. Sharman Crawford

particular allusion was made, was detained elsewhere by pure accident; and I am convinced that no member of the late administration was withheld by any unworthy feeling from avowing his opinions. My own opinions I could have no motive for disguising. They have been frequently avowed, and avowed before audiences which were not likely to regard them with much favour.

I should wish, Sir, to say what I have to say in the temperate tone which has with so much propriety been preserved by the right honorable Baronet the Secretary for the Home Department;[1] but, if I should use any warm expression, I trust that the House will attribute it to the strength of my convictions and to my solicitude for the public interests. No person who knows me will, I am quite sure, suspect me of regarding the hundreds of thousands who have signed the petition which we are now considering with any other feeling than cordial good will.

Sir, I cannot conscientiously assent to this motion. And yet I must admit that the honorable Member for Finsbury[2] has framed it with considerable skill. He has done his best to obtain the support of all those timid and interested politicians who think much more about the security of their seats than about the security of their country. It would be very convenient to me to give a silent vote with him. I should then have it in my power to say to the Chartists of Edinburgh, "When your petition was before the House I was on your side; I was for giving you a full hearing." I should at the same time be able to assure my conservative constituents that I never had supported and never would support the Charter. But, Sir, though this course would be very convenient, it is one which my sense of duty will not suffer me to take. When questions of private right are before us we hear, and we ought to hear, the

[1] Sir James Graham. [2] Mr. Thomas Duncombe.

arguments of the parties interested in those questions. But it has never been, and surely it ought not to be, our practice to grant a hearing to persons who petition for or against a law in which they have no other interest than that which is common between them and the whole nation. Of the many who petitioned against slavery, against the Roman Catholic claims, against the corn laws, none was suffered to harangue us at the bar in support of his views. If in the present case we depart from a general rule which everybody must admit to be a very wholesome one, what inference can reasonably be drawn from our conduct, except this, that we think the petition which we are now considering entitled to extraordinary respect, and that we have not fully made up our minds to refuse what the petitioners ask. Now, Sir, I have fully made up my mind to resist to the last the change which they urge us to make in the constitution of the kingdom. I therefore think that I should act disingenuously if I gave my voice for calling in orators whose eloquence, I am certain, will make no alteration in my opinion. I think too that if, after voting for hearing the petitioners, I should then vote against granting their prayer, I should give them just ground for accusing me of having first encouraged and then deserted them. That accusation, at least, they shall never bring against me.

The honorable member for Westminster[1] has expressed a hope that the language of the petition will not be subjected to severe criticism. If he means literary criticism, I entirely agree with him. The style of this composition is safe from any censure of mine; but the substance it is absolutely necessary that we should closely examine. What the petitioners demand is this, that we do forthwith pass what is called the People's Charter into a law with-

[1] Mr. Leader.

out alteration, diminution, or addition. This is the prayer in support of which the honorable member for Finsbury would have us hear an argument at the bar. Is it then reasonable to say, as some gentlemen have said, that, in voting for the honorable member's motion, they mean to vote merely for an inquiry into the causes of the public distress? If any gentleman thinks that an inquiry into the causes of the public distress would be useful, let him move for such an inquiry. I will not oppose it. But this petition does not tell us to inquire. It tells us that we are not to inquire. It directs us to pass a certain law word for word, and to pass it without the smallest delay.

I shall, Sir, notwithstanding the request or command of the petitioners, venture to exercise my right of free speech on the subject of the People's Charter. There is, among the six points of the Charter, one for which I have voted. There is another of which I decidedly approve. There are others as to which, though I do not agree with the petitioners, I could go some way to meet them. In fact, there is only one of the six points on which I am diametrically opposed to them: but unfortunately that point happens to be infinitely the most important of the six.

One of the six points is the ballot. I have voted for the ballot; and I have seen no reason to change my opinion on that subject.

Another point is the abolition of the pecuniary qualification for members of this House. On that point I cordially agree with the petitioners. You have established a sufficient pecuniary qualification for the elector; and it therefore seems to me quite superfluous to require a pecuniary qualification from the representative. Everybody knows that many English members have only fictitious qualifications, and that the members for Scotch cities and boroughs are not required to have any qualification at all. It

is surely absurd to admit the representatives of Edinburgh and Glasgow without any qualification, and at the same time to require the representative of Finsbury or Marylebone to possess a qualification or the semblance of one. If the qualification really be a security for respectability, let that security be demanded from us who sit here for Scotch towns. If, as I believe, the qualification is no security at all, why should we require it from anybody. It is no part of the old constitution of the realm. It was first established in the reign of Anne. It was established by a bad parliament for a bad purpose. It was, in fact, part of a course of legislation which, if it had not been happily interrupted, would have ended in the repeal of the Toleration Act and of the Act of Settlement.

The Chartists demand annual parliaments. There, certainly, I differ from them: but I might, perhaps, be willing to consent to some compromise. I differ from them also as to the expediency of paying the representatives of the people, and of dividing the country into electoral districts. But I do not consider these matters as vital. The kingdom might, I acknowledge, be free, great, and happy, though the members of this House received salaries, and though the present boundaries of counties and boroughs were superseded by new lines of demarcation. These, Sir, are subordinate questions. I do not, of course, mean that they are not important. But they are subordinate when compared with that question which still remains to be considered. The essence of the Charter is universal suffrage. If you withhold that, it matters not very much what else you grant. If you grant that, it matters not at all what else you withhold. If you grant that, the country is lost.

I have no blind attachment to ancient usages. I altogether disclaim what has been nicknamed the

doctrine of finality. I have said enough to-night to show that I do not consider the settlement made by the Reform Bill as one which can last for ever. I certainly do think that an extensive change in the polity of a nation must be attended with serious evils. Still those evils may be overbalanced by advantages: and I am perfectly ready, in every case, to weigh the evils against the advantages, and to judge as well as I can which scale preponderates. I am bound by no tie to oppose any reform which I think likely to promote the public good. I will go so far as to say that I do not quite agree with those who think that they have proved the People's Charter to be absurd when they have proved that it is incompatible with the existence of the throne and of the peerage. For though I am a faithful and loyal subject of Her Majesty, and though I sincerely wish to see the House of Lords powerful and respected, I cannot consider either monarchy or aristocracy as the ends of Government. They are only means. Nations have flourished without hereditary sovereigns or assemblies of nobles; and, though I should be very sorry to see England a republic, I do not doubt that she might, as a republic, enjoy prosperity, tranquillity, and high consideration. The dread and aversion with which I regard universal suffrage would be greatly diminished, if I could believe that the worst effect which it would produce would be to give us an elective first magistrate and a senate instead of a Queen and a House of Peers. My firm conviction is that, in our country, universal suffrage is incompatible, not with this or that form of government, but with all forms of government, and with everything for the sake of which forms of government exist; that it is incompatible with property, and that it is consequently incompatible with civilisation.

It is not necessary for me in this place to go through the arguments which prove beyond dispute

that on the security of property civilisation depends; that, where property is insecure, no climate however delicious, no soil however fertile, no conveniences for trade and navigation, no natural endowments of body or of mind, can prevent a nation from sinking into barbarism; that where, on the other hand, men are protected in the enjoyment of what has been created by their industry and laid up by their self-denial, society will advance in arts and in wealth notwithstanding the sterility of the earth and the inclemency of the air, notwithstanding heavy taxes and destructive wars. Those persons who say that England has been greatly misgoverned, that her legislation is defective, that her wealth has been squandered in unjust and impolitic contests with America and with France, do in fact bear the strongest testimony to the truth of my doctrine. For that our country has made and is making great progress in all that contributes to the material comfort of man is indisputable. If that progress cannot be ascribed to the wisdom of the Government, to what can we ascribe it, but to the diligence, the energy, the thrift of individuals? And to what can we ascribe that diligence, that energy, that thrift, except to the security which property has during many generations enjoyed here? Such is the power of this great principle that, even in the last war, the most costly war, beyond all comparison, that ever was waged in this world, the Government could not lavish wealth so fast as the productive classes created it.

If it be admitted that on the institution of property the wellbeing of society depends, it follows surely that it would be madness to give supreme power in the state to a class which would not be likely to respect that institution. And, if this be conceded, it seems to me to follow that it would be madness to grant the prayer of this petition. I

entertain no hope that, if we place the government of the kingdom in the hands of the majority of the males of one and twenty told by the head, the institution of property will be respected. If I am asked why I entertain no such hope, I answer, because the hundreds of thousands of males of twenty-one who have signed this petition tell me to entertain no such hope; because they tell me that, if I trust them with power, the first use which they will make of it will be to plunder every man in the kingdom who has a good coat on his back and a good roof over his head. God forbid that I should put an unfair construction on their language! I will read their own words. This petition, be it remembered, is an authoritative declaration of the wishes of those who, if the Charter ever becomes law, will return the great majority of the House of Commons; and these are their words: "Your petitioners complain, that they are enormously taxed to pay the interest of what is called the national debt, a debt amounting at present to eight hundred millions, being only a portion of the enormous amount expended in cruel and expensive wars for the suppression of all liberty by men not authorised by the people, and who consequently had no right to tax posterity for the outrages committed by them upon mankind." If these words mean anything, they mean that the present generation is not bound to pay the public debt incurred by our rulers in past times, and that a national bankruptcy would be both just and politic. For my part, I believe it to be impossible to make any distinction between the right of a fundholder to his dividends and the right of a landowner to his rents. And, to do the petitioners justice, I must say that they seem to be much of the same mind. They are for dealing with fundholder and landowner alike. They tell us that nothing will "unshackle labour from its misery, until the people possess that power under which all monopoly

and oppression must cease; and your petitioners respectfully mention the existing monopolies of the suffrage, of paper money, of machinery, of land, of the public press, of religion, of the means of travelling and transit, and a host of other evils too numerous to mention, all arising from class legislation." Absurd as this hubbub of words is, part of it is intelligible enough. What can the monopoly of land mean, except property in land? The only monopoly of land which exists in England is this, that nobody can sell an acre of land which does not belong to him. And what can the monopoly of machinery mean but property in machinery? Another monopoly which is to cease is the monopoly of the means of travelling. In other words, all the canal property and railway property in the kingdom is to be confiscated. What other sense do the words bear? And these are only specimens of the reforms which, in the language of the petition, are to unshackle labour from its misery. There remains, it seems, a host of similar monopolies too numerous to mention; the monopoly, I presume, which a draper has of his own stock of cloth; the monopoly which a hatter has of his own stock of hats; the monopoly which we all have of our furniture, bedding, and clothes. In short, the petitioners ask you to give them power in order that they may not leave a man of a hundred a year in the realm.

I am far from wishing to throw any blame on the ignorant crowds which have flocked to the tables where this petition was exhibited. Nothing is more natural than that the labouring people should be deceived by the arts of such men as the author of this absurd and wicked composition. We ourselves, with all our advantages of education, are often very credulous, very impatient, very shortsighted, when we are tried by pecuniary distress or bodily pain. We often resort to means of immediate relief which,

as Reason tells us, if we would listen to her, are certain to aggravate our sufferings. Men of great abilities and knowledge have ruined their estates and their constitutions in this way. How then can we wonder that men less instructed than ourselves, and tried by privations such as we have never known, should be easily misled by mountebanks who promise impossibilities? Imagine a well meaning laborious mechanic fondly attached to his wife and children. Bad times come. He sees the wife whom he loves grow thinner and paler every day. His little ones cry for bread; and he has none to give them. Then come the professional agitators, the tempters, and tell him that there is enough and more than enough for everybody, and that he has too little only because landed gentlemen, fundholders, bankers, manufacturers, railway proprietors, shopkeepers, have too much. Is it strange that the poor man should be deluded, and should eagerly sign such a petition as this? The inequality with which wealth is distributed forces itself on everybody's notice. It is at once perceived by the eye. The reasons which irrefragably prove this inequality to be necessary to the wellbeing of all classes are not equally obvious. Our honest working man has not received such an education as enables him to understand that the utmost distress that he has ever known is prosperity, when compared with the distress which he would have to endure if there were a single month of general anarchy and plunder. But you say, It is not the fault of the labourer that he is not well educated. Most true. It is not his fault. But, though he has no share in the fault, he will, if you are foolish enough to give him supreme power in the state, have a very large share of the punishment. You say that, if the Government had not culpably omitted to establish a good system of public instruction, the petitioners would have been fit for the elective franchise. But

is that a reason for giving them the franchise when their own petition proves that they are not fit for it, when they give us fair notice that, if we let them have it, they will use it to our ruin and their own? It is not necessary now to inquire whether, with universal education, we could safely have universal suffrage. What we are asked to do is to give universal suffrage before there is universal education. Have I any unkind feeling towards these poor people? No more than I have to a sick friend who implores me to give him a glass of iced water which the physician has forbidden. No more than a humane collector in India has to those poor peasants who in a season of scarcity crowd round the granaries and beg with tears and piteous gestures that the doors may be opened and the rice distributed. I would not give the draught of water, because I know that it would be poison. I would not give up the keys of the granary, because I know that, by doing so, I should turn a scarcity into a famine. And in the same way I would not yield to the importunity of multitudes who, exasperated by suffering and blinded by ignorance, demand with wild vehemence the liberty to destroy themselves.

But it is said, You must not attach so much importance to this petition. It is very foolish, no doubt, and disgraceful to the author, be he who he may. But you must not suppose that those who signed it approve of it. They have merely put their names or their marks without weighing the sense of the document which they subscribed. Surely, Sir, of all reasons that ever were given for receiving a petition with peculiar honours, the strangest is that it expresses sentiments diametrically opposed to the real sentiments of those who have signed it. And it is a not less strange reason for giving men supreme power in a state that they sign political manifestoes of the highest importance without taking the trouble to

know what the contents are. But how is it possible for us to believe that, if the petitioners had the power which they demand, they would not use it as they threaten? During a long course of years, numerous speakers and writers, some of them ignorant, others dishonest, have been constantly representing the Government as able to do, and bound to do, things which no Government can, without great injury to the country, attempt to do. Every man of sense knows that the people support the Government. But the doctrine of the Chartist philosophers is that is the business of the Government to support the people. It is supposed by many that our rulers possess, somewhere or other, an inexhaustible storehouse of all the necessaries and conveniences of life, and, from mere hardheartedness, refuse to distribute the contents of this magazine among the poor. We have all of us read speeches and tracts in which it seemed to be taken for granted that we who sit here have the power of working miracles, of sending a shower of manna on the West Riding, of striking the earth and furnishing all the towns of Lancashire with abundance of pure water, of feeding all the cotton-spinners and weavers who are out of work with five loaves and two fishes. There is not a working man who has not heard harangues and read newspapers in which these follies are taught. And do you believe that as soon as you give the working men absolute and irresistible power they will forget all this? Yes, Sir, absolute and irresistible power. The Charter would give them no less. In every constituent body throughout the empire the working men will, if we grant the prayer of this petition, be an irresistible majority. In every constituent body capital will be placed at the feet of labour; knowledge will be borne down by ignorance; and is it possible to doubt what the result must be? The honorable Member for Bath and the honorable Member for Rochdale are now considered

as very democratic members of Parliament. They would occupy a very different position in a House of Commons elected by universal suffrage, if they succeeded in obtaining seats. They would, I believe, honestly oppose every attempt to rob the public creditor. They would manfully say, "Justice and the public good require that this sum of thirty millions a year should be paid;" and they would immediately be reviled as aristocrats, monopolists, oppressors of the poor, defenders of old abuses. And as to land, is it possible to believe that the millions who have been so long and loudly told that the land is their estate, and is wrongfully kept from them, should not, when they have supreme power, use that power to enforce what they think their rights? What could follow but one vast spoliation? One vast spoliation! That would be bad enough. That would be the greatest calamity that ever fell on our country. Yet would that a single vast spoliation were the worst! No, Sir; in the lowest deep there would be a lower deep. The first spoliation would not be the last. How could it? All the causes which had produced the first spoliation would still operate. They would operate more powerfully than before. The distress would be far greater than before. The fences which now protect property would all have been broken through, levelled, swept away. The new proprietors would have no title to show to anything that they held except recent robbery. With what face then could they complain of being robbed? What would be the end of these things? Our experience, God be praised, does not enable us to predict it with certainty. We can only guess. My guess is that we should see something more horrible than can be imagined, something like the siege of Jerusalem on a far larger scale. There would be many millions of human beings, crowded in a narrow space, deprived of all those resources which alone

had made it possible for them to exist in so narrow a space; trade gone; manufacturers gone; credit gone. What could they do but fight for the mere sustenance of nature, and tear each other to pieces, till famine, and pestilence following in the train of famine, came to turn the terrible commotion into a more terrible repose? The best event, the very best event, that I can anticipate,—and what must the state of things be, if an Englishman and a Whig calls such an event the very best?—the very best event, I say, that I can anticipate is that out of the confusion a strong military despotism may arise, and that the sword, firmly grasped by some rough hand, may give a sort of protection to the miserable wreck of all that immense prosperity and glory. But, as to the noble institutions under which our country has made such progress in liberty, in wealth, in knowledge, in arts, do not deceive yourselves into the belief that we should ever see them again. We should never see them again. We should not deserve to see them. All those nations which envy our greatness would insult our downfall, a downfall which would be all our own work; and the history of our calamities would be told thus: England had institutions which, though imperfect, yet contained within themselves the means of remedying every imperfection; those institutions her legislators wantonly and madly threw away; nor could they urge in their excuse even the wretched plea that they were deceived by false promises: for, in the very petition with the prayer of which they were weak enough to comply, they were told, in the plainest terms, that public ruin would be the effect of their compliance.

Thinking thus, Sir, I will oppose, with every faculty which God has given me, every motion which directly or indirectly tends to the granting of universal suffrage. This motion, I think, tends that way. If any gentleman here is prepared to vote for

universal suffrage with a full view of all the consequences of universal suffrage as they are set forth in this petition, he acts with perfect consistency in voting for this motion. But, I must say, I heard with some surprise the honorable Baronet the Member for Leicester [1] say that, though he utterly disapproves of the petition, though he thinks of it just as I do, he wishes the petitioners to be heard at the bar in explanation of their opinions. I conceive that their opinions are quite sufficiently explained already; and to such opinions I am not disposed to pay any extraordinary mark of respect. I shall give a clear and conscientious vote against the motion of the honorable Member for Finsbury; and I conceive that the petitioners will have much less reason to complain of my open hostility, than of the conduct of the honorable Member, who tries to propitiate them by consenting to hear their oratory, but has fully made up his mind not to comply with their demands.

[1] Sir John Easthope.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 9TH OF MARCH, 1843.

On the ninth of March, 1843, Mr. Vernon Smith, Member for Northampton, made the following motion:

"That this House, having regard to the high and important functions of the Governor-General of India, the mixed character of the native population, and the recent measures of the Court of Directors for discontinuing any seeming sanction to idolatry in India, is of opinion that the conduct of Lord Ellenborough in issuing the General Orders of the sixteenth of November, 1842, and in addressing the letter of the same date to all the chiefs, princes, and people of India, respecting the restoration of the gates of a temple to Somnauth, is unwise, indecorous, and reprehensible."

Mr. Emerson Tennant, Secretary of the Board of Control, opposed the motion. In reply to him the following Speech was made.

The motion was rejected by 242 votes to 157.

MR. SPEAKER,

IF the practice of the honorable gentleman, the Secretary of the Board of Control, had been in accordance with his precepts, if he had not, after exhorting us to confine ourselves strictly to the subject before us, rambled far from that subject, I should have refrained from all digression. For in truth there is abundance to be said touching both the substance and the style of this Proclamation. I cannot, however, leave the honorable gentleman's

peroration entirely unnoticed. But I assure him that I do not mean to wander from the question before us to any great distance or for any long time.

I cannot but wonder, Sir, that he who has, on this, as on former occasions, exhibited so much ability and acuteness, should have gravely represented it as a ground of complaint, that my right honorable friend the Member for Northampton has made this motion in the Governor-General's absence. Does the honorable gentleman mean that this House is to be interdicted from ever considering in what manner Her Majesty's Asiatic subjects, a hundred millions in number, are governed? And how can we consider how they are governed without considering the conduct of him who is governing them? And how can we consider the conduct of him who is governing them, except in his absence? For my own part, I can say for myself, and I may, I doubt not, say for my right honorable friend the Member for Northampton, that we both of us wish, with all our hearts and souls, that we were discussing this question in the presence of Lord Ellenborough. Would to heaven, Sir, for the sake of the credit of England, and of the interests of India, that the noble Lord were at this moment under our gallery! But, Sir, if there be any Governor who has no right to complain of remarks made on him in his absence, it is that Governor who, forgetting all official decorum, forgetting how important it is that, while the individuals who serve the State are changed, the State should preserve its identity, inserted in a public proclamation reflections on his predecessor, a predecessor of whom, on the present occasion, I will only say that his conduct had deserved a very different return. I am confident that no enemy of Lord Auckland, if Lord Auckland has an enemy in the House, will deny that, whatever faults he may have committed, he was faultless with respect to Lord

Ellenborough. No brother could have laboured more assiduously for the interests and the honour of a brother than Lord Auckland laboured to facilitate Lord Ellenborough's arduous task, to prepare for Lord Ellenborough the means of obtaining success and glory. And what was the requital? A proclamation by Lord Ellenborough, stigmatising the conduct of Lord Auckland. And, Sir, since the honorable gentleman, the Secretary of the Board of Control, has thought fit to divert the debate from its proper course, I will venture to request that he, or the honorable director who sits behind him,[1] will vouchsafe to give us some explanations on an important point to which allusion has been made. Lord Ellenborough has been accused of having publicly announced that our troops were about to evacuate Afghanistan before he had ascertained that our captive countrymen and countrywomen had been restored to liberty. This accusation, which is certainly a serious one, the honorable gentleman, the Secretary of the Board of Control, pronounces to be a mere calumny. Now, Sir, the proclamation which announces the withdrawing of the troops bears date the first of October, 1842. What I wish to know is, whether any member of the Government, or of the Court of Directors, will venture to affirm that on the first of October, 1842, the Governor-General knew that the prisoners had been set at liberty? I believe that no member either of the Government or of the Court of Directors will venture to affirm any such thing. It seems certain that on the first of October the Governor-General could not know that the prisoners were safe. Nevertheless, the honorable gentleman the Secretary of the Board of Control assures us that, when the proclamation was drawn up, the Governor-General did know that the prisoners were safe. What is the inevitable consequence? It

[1] Sir James Hogg.

is this, that the date is a false date, that the proclamation was written after the first of October, and antedated. And for what reason was it antedated? I am almost ashamed to tell the House what I believe to have been the reason. I believe that Lord Ellenborough had fixed the false date of the first of October to his proclamation because Lord Auckland's manifesto against Afghanistan was dated on the first of October. I believe that Lord Ellenborough wished to make the contrast between his own success and his predecessor's failure more striking, and that for the sake of this paltry, this childish, triumph, he antedated his proclamation, and made it appear to all Europe and all Asia that the English Government was indifferent to the fate of Englishmen and Englishwomen who were in a miserable captivity. If this be so, and I shall be surprised to hear any person deny that it is so, I must say that by this single act, by writing those words, the first of October, the Governor-General proved himself to be a man of an ill regulated mind, a man unfit for high public trust.

I might, Sir, if I chose to follow the example of the honorable gentleman, the Secretary of the Board of Control, advert to many other matters. I might call the attention of the House to the systematic manner in which the Governor-General has exerted himself to lower the character and to break the spirit of that civil service on the respectability and efficiency of which chiefly depends the happiness of a hundred millions of human beings. I might say much about the financial committee which he appointed in the hope of finding out blunders of his predecessor, but which at last found out no blunders except his own. But the question before us demands our attention. That question has two sides, a serious and a ludicrous side. Let us look first at the serious side. Sir, I disclaim in

the strongest manner all intention of raising any fanatical outcry or of lending aid to any fanatical project. I would very much rather be the victim of fanaticism than its tool. If Lord Ellenborough were called in question for having given an impartial protection to the trofessors of different religions, or for restraining unjustifiable excesses into which Christian missionaries might have been hurried by their zeal, I would, widely as I have always differed from him in politics, have stood up in his defence, though I had stood up alone. But the charge against Lord Ellenborough is that he has insulted the religion of his own country and the religion of millions of the Queen's Asiatic subjects in order to pay honour to an idol. And this the right honorable gentleman, the Secretary of the Board of Control, calls a trivial charge. Sir, I think it a very grave charge. Her Majesty is the ruler of a larger heathen population than the world ever saw collected under the sceptre of a Christian sovereign since the days of the Emperor Theodosius. What the conduct of rulers in such circumstances ought to be is one of the most important moral questions, one of the most important political questions, that it is possible to conceive. There are subject to the British rule in Asia a hundred millions of people who do not profess the Christian faith. The Mahometans are a minority: but their importance is much more than proportioned to their number: for they are an united, a zealous, an ambitious, a warlike class. The great majority of the population of India consists of idolaters, blindly attached to doctrines and rites which, considered merely with reference to the temporal interests of mankind, are in the highest degree pernicious. In no part of the world has a religion ever existed more unfavourable to the moral and intellectual health of our race. The Brahminical mythology is so absurd that it necessarily debases every mind which receives

it as truth; and with this absurd mythology is bound up an absurd system of physics, an absurd geography, an absurd astronomy. Nor is this form of Paganism more favourable to art than to science. Through the whole Hindoo Pantheon you will look in vain for anything resembling those beautiful and majestic forms which stood in the shrines of ancient Greece. All is hideous, and grotesque, and ignoble. As this superstition is of all superstitions the most irrational, and of all superstitions the most inelegant, so is it of all superstitions the most immoral. Emblems of vice are objects of public worship. Acts of vice are acts of public worship. The courtesans are as much a part of the establishment of the temple, as much ministers of the god, as the priests. Crimes against life, crimes against property, are not only permitted but enjoined by this odious theology. But for our interference human victims would still be offered to the Ganges, and the widow would still be laid on the pile with the corpse of her husband, and burned alive by her own children. It is by the command and under the especial protection of one of the most powerful goddesses that the Thugs join themselves to the unsuspecting traveller, make friends with him, slip the noose round his neck, plunge their knives in his eyes, hide him in the earth, and divide his money and baggage. I have read many examinations of Thugs; and I particularly remember an altercation which took place between two of those wretches in the presence of an English officer. One Thug reproached the other for having been so irreligious as to spare the life of a traveller when the omens indicated that their patroness required a victim. "How could you let him go? How can you expect the goddess to protect us if you disobey her commands? That is one of your North country heresies." Now, Sir, it is a difficult matter to determine in what way Christian rulers ought to deal with such super-

stitions as these. We might have acted as the Spaniards acted in the New World. We might have attempted to introduce our own religion by force. We might have sent missionaries among the natives at the public charge. We might have held out hopes of public employment to converts, and have imposed civil disabilities on Mahometans and Pagans. But we did none of these things; and herein we judged wisely. Our duty, as rulers, was to preserve strict neutrality on all questions merely religious; and I am not aware that we have ever swerved from strict neutrality for the purpose of making proselytes to our own faith. But we have, I am sorry to say, sometimes deviated from the right path in the opposite direction. Some Englishmen, who have held high office in India, seem to have thought that the only religion which was not entitled to toleration and to respect was Christianity. They regarded every Christian missionary with extreme jealousy and disdain; and they suffered the most atrocious crimes, if enjoined by the Hindoo superstition, to be perpetrated in open day. It is lamentable to think how long after our power was firmly established in Bengal, we, grossly neglecting the first and plainest duty of the civil magistrate, suffered the practices of infanticide and Suttee to continue unchecked. We decorated the temples of the false gods. We provided the dancing girls. We gilded and painted the images to which our ignorant subjects bowed down. We repaired and embellished the car under the wheels of which crazy devotees flung themselves at every festival to be crushed to death. We sent guards of honour to escort pilgrims to the places of worship. We actually made oblations at the shrines of idols. All this was considered, and is still considered, by some prejudiced Anglo-Indians of the old school, as profound policy. I believe that there never was so shallow, so senseless a policy. We

gained nothing by it. We lowered ourselves in the eyes of those whom we meant to flatter. We led them to believe that we attached no importance to the difference between Christianity and heathenism. Yet how vast that difference is! I altogether abstain from alluding to topics which belong to divines. I speak merely as a politician anxious for the morality and the temporal well being of society. And, so speaking, I say that to countenance the Brahminical idolatry, and to discountenance that religion which has done so much to promote justice, and mercy, and freedom, and arts, and sciences, and good government, and domestic happiness, which has struck off the chains of the slave, which has mitigated the horrors of war, which has raised women from servants and playthings into companions and friends, is to commit high treason against humanity and civilisation.

Gradually a better system was introduced. A great man whom we have lately lost, Lord Wellesley, led the way. He prohibited the immolation of female children; and this was the most unquestionable of all his titles to the gratitude of his country. In the year 1813 Parliament gave new facilities to persons who were desirous to proceed to India as missionaries. Lord William Bentinck abolished the Suttee. Shortly afterwards the Home Government sent out to Calcutta the important and valuable despatch to which reference has been repeatedly made in the course of this discussion. That despatch Lord Glenelg wrote,—I was then at the Board of Control, and can attest the fact,—with his own hand. One paragraph, the sixty-second, is of the highest moment. I know that paragraph so well that I could repeat it word for word. It contains in short compass an entire code of regulations for the guidance of British functionaries in matters relating to the idolatry of India. The orders of the Home Government were express, that the arrangements

of the temples should be left entirely to the natives. A certain discretion was of course left to the local authorities as to the time and manner of dissolving that connection which had long existed between the English Government and the Brahminical superstition. But the principle was laid down in the clearest manner. This was in February, 1833. In the year 1838 another despatch was sent, which referred to the sixty-second paragraph of Lord Glenelg's despatch, and enjoined the Indian Government to observe the rules contained in that paragraph. Again, in the year 1841, precise orders were sent out on the same subject, orders which Lord Ellenborough seems to me to have studied carefully for the express purpose of disobeying them point by point, and in the most direct manner. You murmur: but only look at the orders of the Directors and at the proclamation of the Governor-General. The orders are, distinctly and positively, that the British authorities in India shall have nothing to do with the temples of the natives, shall make no presents to those temples, shall not decorate those temples, shall not pay any military honour to those temples. Now, Sir, the first charge which I bring against Lord Ellenborough is, that he has been guilty of an act of gross disobedience, that he has done that which was forbidden in the strongest terms by those from whom his power is derived. The Home Government says, Do not interfere in the concerns of heathen temples. Is it denied that Lord Ellenborough has interfered in the concerns of a heathen temple? The Home Government says, Make no presents to heathen temples. Is it denied that Lord Ellenborough has proclaimed to all the world his intention to make a present to a heathen temple? The Home Government says, Do not decorate heathen temples. Is it denied that Lord Ellenborough has proclaimed to all the world his intention

to decorate a heathen temple? The Home Government says, Do not send troops to do honour to heathen temples. Is it denied that Lord Ellenborough sent a body of troops to escort these gates to a heathen temple? To be sure, the honorable gentleman, the Secretary of the Board of Control, tries to get rid of this part of the case in rather a whimsical manner. He says that it is impossible to believe that, by sending troops to escort the gates, Lord Ellenborough can have meant to pay any mark of respect to an idol. And why? Because, says the honorable gentleman, the Court of Directors had given positive orders that troops should not be employed to pay marks of respect to idols. Why, Sir, undoubtedly, if it is to be taken for granted that Lord Ellenborough is a perfect man, if all our reasonings are to proceed on the supposition that he cannot do wrong, then I admit the force of the honorable gentleman's argument. But it seems to me a strange and a dangerous thing to infer a man's innocence merely from the flagrancy of his guilt. It is certain that the Home authorities ordered the Governor-General not to employ the troops in the service of a temple. It is certain that Lord Ellenborough employed the troops to escort a trophy, an oblation, which he sent to the restored temple of Somnauth. Yes, the restored temple of Somnauth. Those are his lordship's words. They have given rise to some discussion, and seem not to be understood by everybody in the same sense. We all know that this temple is in ruins. I am confident that Lord Ellenborough knew it to be in ruins, and that his intention was to rebuild it at the public charge. That is the obvious meaning of his words. But, as this meaning is so monstrous that nobody here can venture to defend it, his friends pretend that he believed the temple to have been already restored, and that he had no thought of being himself the restorer. How can I believe this?

How can I believe that, when he issued this proclamation, he knew nothing about the state of the temple to which he proposed to make an offering of such importance? He evidently knew that it had once been in ruins; or he would not have called it the restored temple. Why am I to suppose that he imagined it to have been rebuilt? He had people about him who knew it well, and who could have told him that it was in ruins still. To say that he was not aware that it was in ruins is to say that he put forth this proclamation without taking the trouble to ask a single question of those who were close at hand and were perfectly competent to give him information. Why, Sir, this defence is itself an accusation. I defy the honorable gentleman, the Secretary of the Board of Control, I defy all human ingenuity, to get his lordship clear off from both the horns of this dilemma. Either way, he richly deserves a parliamentary censure. Either he published this proclamation in the recklessness of utter ignorance without making the smallest inquiry; or else he, an English and a Christian Governor, meant to build a temple to a heathen god at the public charge, in direct defiance of the commands of his official superiors. Turn and twist the matter which way you will, you can make nothing else of it. The stain is like the stain on Blue Beard's key in the nursery tale. As soon as you have scoured one side clean, the spot comes out on the other.

So much for the first charge, the charge of disobedience. It is fully made out; but it is not the heaviest charge which I bring against Lord Ellenborough. I charge him with having done that which, even if it had not been, as it was, strictly forbidden by the Home authorities, it would still have been a high crime to do. He ought to have known, without any instructions from home, that it was his duty not to take part in disputes among the false religions

of the East; that it was his duty, in his official character, to show no marked preference for any of those religions, and to offer no marked insult to any. But, Sir, he has paid unseemly homage to one of those religions; he has grossly insulted another; and he has selected as the object of his homage the very worst and most degrading of those religions, and as the object of his insults the best and purest of them. The homage was paid to Lingamism. The insult was offered to Mahometanism. Lingamism is not merely idolatry, but idolatry in its most pernicious form. The honorable gentleman, the Secretary of the Board of Control, seemed to think that he had achieved a great victory when he had made out that his lordship's devotions had been paid, not to Vishnu, but to Siva. Sir, Vishnu is the preserving Deity of the Hindoo Mythology; Siva is the destroying Deity; and, as far as I have any preference for one of your Governor-General's gods over another, I confess that my own tastes would lead me to prefer the preserving to the destroying power. Yes, Sir, the temple of Somnauth was sacred to Siva; and the honorable gentleman cannot but know by what emblem Siva is represented, and with what rites he is adored. I will say no more. The Governor-General, Sir, is in some degree protected by the very magnitude of his offence. I am ashamed to name those things to which he is not ashamed to pay public reverence. This god of destruction, whose images and whose worship it would be a violation of decency to describe, is selected as the object of homage. As the object of insult is selected a religion which has borrowed much of its theology and much of its morality from Christianity, a religion which in the midst of Polytheism teaches the unity of God, and, in the midst of idolatry, strictly proscribes the worship of images. The duty of our Government is, as I said, to take no part in the disputes between

Mahometans and idolaters. But, if our Government does take a part, there cannot be a doubt that Mahometanism is entitled to the preference. Lord Ellenborough is of a different opinion. He takes away the gates from a Mahometan mosque, and solemnly offers them as a gift to a Pagan temple. Morally, this is a crime. Politically, it is a blunder. Nobody who knows anything of the Mahometans of India can doubt that this affront to their faith will excite their fiercest indignation. Their susceptibility on such points is extreme. Some of the most serious disasters that have ever befallen us in India have been caused by that susceptibility. Remember what happened at Vellore in 1806, and more recently at Bangalore. The mutiny of Vellore was caused by a slight shown to the Mahometan turban; the mutiny of Bangalore by disrespect said to have been shown to a Mahometan place of worship. If a Governor-General had been induced by his zeal for Christianity to offer any affront to a mosque held in high veneration by Mussulmans, I should think that he had been guilty of indiscretion such as proved him to be unfit for his post. But to affront a mosque of peculiar dignity, not from zeal for Christianity, but for the sake of this loathsome god of destruction, is nothing short of madness. Some temporary popularity Lord Ellenborough may no doubt gain in some quarters. I hear, and I can well believe, that some bigoted Hindoos have hailed this proclamation with delight, and have begun to entertain a hope that the British Government is about to take their worship under its peculiar protection. But how long will that hope last? I presume that the right honorable Baronet, the First Lord of the Treasury, does not mean to suffer India to be governed on Brahminical principles. I presume that he will not allow the public revenue to be expended in rebuilding temples, adorning idols, and hiring courtesans.

I have no doubt that there is already on the way to India such an admonition as will prevent Lord Ellenborough from persisting in the course on which he has entered. The consequence will be that the exultation of the Brahmins will end in mortification and anger. See then of what a complication of faults the Governor-General is guilty. In order to curry favour with the Hindoos he has offered an inexpiable insult to the Mahometans; and now, in order to quiet the English, he is forced to disappoint and disgust the Hindoos. But, apart from the irritating effect which these transactions must produce on every part of the native population, is it no evil to have this continual wavering and changing? This is not the only case in which Lord Ellenborough has, with great pomp, announced intentions which he has not been able to carry into effect. It is his lordship's habit. He put forth a notification that his Durbar was to be honoured by the presence of Dost Mahomed. Then came a notification that Dost Mahomed would not make his appearance there. In the proclamation which we are now considering his lordship announced to all the princes of India his resolution to set up these gates at Somnauth. The gates, it is now universally admitted, will not be set up there. All India will see that the Governor-General has changed his mind. The change may be imputed to mere fickleness and levity. It may be imputed to the disapprobation with which his conduct has been regarded here. In either case he appears in a light in which it is much to be deplored that a Governor-General should appear.

So much for the serious side of this business; and now for the ludicrous side. Even in our mirth, however, there is sadness; for it is no light thing that he who represents the British nation in India should be a jest to the people of India. We have sometimes sent them governors whom they loved,

and sometimes governors whom they feared; but they never before had a governor at whom they laughed. Now, however, they laugh; and how can we blame them for laughing, when all Europe and all America are laughing too? You see, Sir, that the gentlemen opposite cannot keep their countenances. And no wonder. Was such a State paper ever seen in our language before? And what is the plea set up for all this bombast? Why, the honorable gentleman, the Secretary of the Board of Control, brings down to the House some translations of Persian letters from native princes. Such letters, as everybody knows, are written in a most absurd and turgid style. The honorable gentleman forces us to hear a good deal of this detestable rhetoric; and then he asks why, if the secretaries of the Nizam and of the King of Oude use all these tropes and hyperboles, Lord Ellenborough should not indulge in the same sort of eloquence? The honorable gentleman might as well ask why Lord Ellenborough should not sit cross-legged, why he should not let his beard grow to his waist, why he should not wear a turban, why he should not hang trinkets all about his person, why he should not ride about Calcutta on a horse jingling with bells and glittering with false pearls. The native princes do these things; and why should not he? Why, Sir, simply because he is not a native prince, but an English Governor-General. When the people of India see a Nabob or a Rajah in all his gaudy finery, they bow to him with a certain respect. They know that the splendour of his garb indicates superior rank and wealth. But if Sir Charles Metcalfe had so bedizened himself, they would have thought that he was out of his wits. They are not such fools as the honorable gentleman takes them for. Simplicity is not their fashion. But they understand and respect the simplicity of our fashions. Our plain clothing commands far more reverence than

all the jewels which the most tawdry Zemindar wears; and our plain language carries with it far more weight than the florid diction of the most ingenious Persian scribe. The plain language and the plain clothing are inseparably associated in the minds of our subjects with superior knowledge, with superior energy, with superior veracity, with all the high and commanding qualities which erected, and which still uphold, our empire. Sir, if, as the speech of the honorable gentleman, the Secretary of the Board of Control, seems to indicate, Lord Ellenborough has adopted this style on principle, if it be his lordship's deliberate intention to mimic, in his State papers, the Asiatic modes of thought and expression, that alone would be a reason for recalling him. But the honorable gentleman is mistaken in thinking that this proclamation is in the Oriental taste. It bears no resemblance to the very bad Oriental compositions which he has read to us, nor to any other Oriental compositions that I ever saw. It is neither English nor Indian. It is not original, however; and I will tell the House where the Governor-General found his models. He has apparently been studying the rants of the French Jacobins during the period of their ascendency, the Carmagnoles of the Convention, the proclamations issued by the Directory and its Proconsuls; and he has been seized with a desire to imitate those compositions. The pattern which he seems to have especially proposed to himself is the rodomontade in which it was announced that the modern Gauls were marching to Rome in order to avenge the fate of Dumnorix and Vercingetorix. Everybody remembers those lines in which revolutionary justice is described by Mr. Canning:—

"Not she in British courts who takes her stand,
The dawdling balance dangling in her hand;
But firm, erect, with keen reverted glance,
The avenging angel of regenerate France,

Who visits ancient sins on modern times,
And punishes the Pope for Cæsar's crimes."

In the same spirit and in the same style our Governor-General has proclaimed his intention to retaliate on the Mussulmans beyond the mountains the insults which their ancestors, eight hundred years ago, offered to the idolatry of the Hindoos. To do justice to the Jacobins, however, I must say that they had an excuse which was wanting to the noble lord. The revolution had made almost as great a change in literary tastes as in political institutions. The old masters of French eloquence had shared the fate of the old states and of the old parliaments. The highest posts in the administration were filled by persons who had no experience of affairs, who in the general confusion had raised themselves by audacity and quickness of natural parts, uneducated men or half educated men, who had no notion that the style in which they had heard the heroes and villains of tragedies declaim on the stage was not the style of real warriors and statesmen. But was it for an English gentleman, a man of distinguished abilities and cultivated mind, a man who had sate many years in parliament, and filled some of the highest posts in the state, to copy the productions of such a school?

But, it is said, what does it matter if the noble lord has written a foolish rhapsody which is neither prose nor verse? Is affected phraseology a subject for parliamentary censure? What great ruler can be named who has not committed errors much more serious than the penning of a few sentences of turgid nonsense? This, I admit, sounds plausible. It is quite true that very eminent men, Lord Somers, for example, Sir Robert Walpole, Lord Chatham and his son, all committed faults which did much more harm than any fault of style can do. But I beg the House to observe this, that an error which produces the

most serious consequences may not necessarily prove that the man who has committed it is not a very wise man; and that, on the other hand, an error which directly produces no important consequences may prove the man who has committed it to be quite unfit for public trust. Walpole committed a ruinous error when he yielded to the public cry for war with Spain. But, notwithstanding that error, he was an eminently wise man. Caligula, on the other hand, when he marched his soldiers to the beach, made them fill their helmets with cockle shells, and sent the shells to be placed in the Capitol as trophies of his conquests, did no great harm to anybody; but he surely proved that he was quite incapable of governing an empire. Mr. Pitt's expedition to Quiberon was most ill judged, and ended in defeat and disgrace. Yet Mr. Pitt was a statesman of a very high order. On the other hand, such ukases as those by which the Emperor Paul used to regulate the dress of the people of Petersburg, though they caused much less misery than the slaughter at Quiberon, proved that the Emperor Paul could not safely be trusted with power over his fellow creatures. One day he forbade the wearing of pantaloons. Another day he forbade his subjects to comb their hair over their foreheads. Then he proscribed round hats. A young Englishman, the son of a merchant, thought to evade this decree by going about the city in a hunting cap. Then came out an edict which made it penal to wear on the head a round thing such as the English merchant's son wore. Now, Sir, I say that, when I examine the substance of Lord Ellenborough's proclamation, and consider all the consequences which that paper is likely to produce, I am forced to say that he has committed a grave moral and political offence. When I examine the style, I see that he has committed an act of eccentric folly, much of the same kind with Caligula's campaign

against the cockles, and with the Emperor Paul's ukase against round hats. Consider what an extravagant self-confidence, what a disdain for the examples of his great predecessors and for the opinions of the ablest and most experienced men who are now to be found in the Indian services, this strange document indicates. Surely it might have occurred to Lord Ellenborough that, if this kind of eloquence had been likely to produce a favourable impression on the minds of Asiatics, such Governors as Warren Hastings, Mr. Elphinstone, Sir Thomas Munro, and Sir Charles Metcalfe, men who were as familiar with the language and manners of the native population of India as any man here can be with the language and manners of the French, would not have left the discovery to be made by a new comer who did not know any Eastern tongue. Surely too it might have occurred to the noble lord that, before he put forth such a proclamation, he would do well to ask some person who knew India intimately what the effect both on the Mahometans and Hindoos was likely to be. I firmly believe that the Governor-General either did not ask advice or acted in direct opposition to advice. Mr. Maddock was with his lordship as acting Secretary. Now I know enough of Mr. Maddock to be quite certain that he never counselled the Governor-General to publish such a paper. I will pawn my life that he either was never called upon to give an opinion, or that he gave an opinion adverse to the course which has been taken. No Governor-General who was on good terms with the civil service would have been, I may say, permitted to expose himself thus. Lord William Bentinck and Lord Auckland were, to be sure, the last men in the world to think of doing such a thing as this. But if either of those noble lords, at some unlucky moment when he was not quite himself, when his mind was thrown off the balance by the pride and delight of an extraordinary

success, had proposed to put forth such a proclamation, he would have been saved from committing so great a mistake by the respectful but earnest remonstrances of those in whom he placed confidence, and who were solicitous for his honour. From the appearance of this proclamation, therefore, I infer that the terms on which Lord Ellenborough is with the civil servants of the Company are such that those servants could not venture to offer him counsel when he most needed it.

For these reasons, Sir, I think the noble lord unfit for high public trust. Let us, then, consider the nature of the public trust which is now reposed in him. Are gentlemen aware that, even when he is at Calcutta, surrounded by his councillors, his single voice can carry any resolution concerning the executive administration against them all? They can object: they can protest: they can record their opinions in writing, and can require him to give in writing his reasons for persisting in his own course: but they must then submit. On the most important questions, on the question whether a war shall be declared, on the question whether a treaty shall be concluded, on the question whether the whole system of land revenue established in a great province shall be changed, his single vote weighs down the votes of all who sit at the Board with him. The right honorable Baronet opposite is a powerful minister, a more powerful minister than any that we have seen during many years. But I will venture to say that his power over the people of England is nothing when compared with the power which the Governor-General possesses over the people of India. Such is Lord Ellenborough's power when he is with his council, and is to some extent held in check. But where is he now? He has given his council the slip. He is alone. He has near him no person who is entitled and bound to offer advice, asked or un-

asked: he asks no advice: and you cannot expect men to outstep the strict line of their official duty by obtruding advice on a superior by whom it would be ungraciously received. The danger of having a rash and flighty Governor-General is sufficiently serious, at the very best. But the danger of having such a Governor-General up the country, eight or nine hundred miles from any person who has a right to remonstrate with him, is fearful indeed. Interests so vast, that the most sober language in which they can be described sounds hyperbolical, are entrusted to a single man; to a man who, whatever his parts may be, and they are doubtless considerable, has shown an indiscretion and temerity almost beyond belief; to a man who has been only a few months in India; to a man who takes no counsel with those who are well acquainted with India.

I cannot sit down without addressing myself to those Directors of the East India Company who are present. I exhort them to consider the heavy responsibility which rests on them. They have the power to recall Lord Ellenborough: and I trust that they will not hesitate to exercise that power. This is the advice of one who has been their servant, who has served them loyally, and who is still sincerely anxious for their credit and for the welfare of the empire of which they are the guardians. But if, from whatever cause, they are unwilling to recall the noble lord, then I implore them to take care that he be immediately ordered to return to Calcutta. Who can say what new freak we may hear of by the next mail? I am quite confident that neither the Court of Directors nor Her Majesty's Ministers can look forward to the arrival of that mail without great uneasiness. Therefore I say, send Lord Ellenborough back to Calcutta. There at least he will find persons who have a right to advise him and to expostulate with him, and who will, I doubt not, have also

the spirit to do so. It is something that he will be forced to record his reasons for what he does. It is something that he will be forced to hear reasons against his propositions. It is something that a delay, though only of twenty-four hours, will be interposed between the first conception of a wild scheme and the execution. I am afraid that these checks will not be sufficient to prevent much evil: but they are not absolutely nugatory. I intreat the Directors to consider in what a position they will stand if, in consequence of their neglect, some serious calamity should befall the country which is confided to their care. I will only say, in conclusion, that if there be any use in having a Council of India, if it be not meant that the members of Council should draw large salaries for doing nothing, if they are really appointed for the purpose of assisting and restraining the Governor, it is to the last degree absurd that their powers should be in abeyance when there is a Governor who, of all the Governors that ever England sent to the East, stands most in need both of assistance and of restraint.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 19TH OF FEBRUARY, 1844.

On the thirteenth of February, 1844, Lord John Russell moved for a Committee of the whole House to take into consideration the state of Ireland. After a discussion of nine nights the motion was rejected by 324 votes to 225. On the fifth night of the debate the following Speech was made.

I CANNOT refrain, Sir, from congratulating you and the House that I did not catch your eye when I rose before. I should have been extremely sorry to have prevented any Irish member from addressing the House on a question so interesting to Ireland, but peculiarly sorry to have stood in the way of the honorable gentleman who to-night pleaded the cause of his country with so much force and eloquence.[1]

I am sorry to say that I cannot reconcile it to my conscience to follow the advice which has been just given me by my honorable friend the Member for Pomfret,[2] with all the authority which, as he has reminded us, belongs to his venerable youth. I cannot at all agree with him in thinking that the wisest thing that we can do is to suffer Her Majesty's Ministers to go on in their own way,

[1] Mr. J. O'Brien. [2] Mr. R. Milnes.

seeing that the way in which they have long been going on is an exceedingly bad one. I support the motion of my noble friend for these plain reasons.

First, I hold that Ireland is in a most unsatisfactory, indeed in a most dangerous, state.

Secondly, I hold that for the state in which Ireland is Her Majesty's Ministers are in a great measure accountable, and that they have not shown, either as legislators or as administrators, that they are capable of remedying the evils which they have caused.

Now, Sir, if I make out these two propositions, it will follow that it is the constitutional right and duty of the representatives of the nation to interfere ; and I conceive that my noble friend, by moving for a Committee of the whole House, has proposed a mode of interference which is both parliamentary and convenient.

My first proposition, Sir, will scarcely be disputed. Both sides of the House are fully agreed in thinking that the condition of Ireland may well excite great anxiety and apprehension. That island, in extent about one-fourth of the United Kingdom, in population more than one-fourth, superior probably in natural fertility to any area of equal size in Europe, possessed of natural facilities for trade such as can nowhere else be found in an equal extent of coast, an inexhaustible nursery of gallant soldiers, a country far more important to the prosperity, the strength, the dignity of this great empire than all our distant dependencies together, than the Canadas and the West Indies added to Southern Africa, to Australasia, to Ceylon, and to the vast dominions of the Moguls, that island, Sir, is acknowledged by all to be so ill affected and so turbulent that it must, in any estimate of our power, be not added but deducted. You admit that you govern that island, not as you govern England and Scotland, but as you

govern your new conquests in Scinde; not by means of the respect which the people feel for the laws, but by means of bayonets, of artillery, of entrenched camps.

My first proposition, then, I take to be conceded. Ireland is in a dangerous state. The question which remains to be considered is, whether for the state in which Ireland is Her Majesty's Ministers are to be held accountable.

Now, Sir, I at once admit that the distempers of Ireland must in part be attributed to causes for which neither Her Majesty's present Ministers nor any public men now living can justly be held accountable. I will not trouble the House with a long dissertation on those causes. But it is necessary, I think, to take at least a rapid glance at them: and in order to do so, Sir, we must go back to a period not only anterior to the birth of the statesmen who are now arrayed against each other on the right and left of your chair, but anterior to the birth even of the great parties of which those statesmen are the leaders; anterior to the days when the names of Tory and Whig, of court party and country party, of cavalier and roundhead, came into use; anterior to the existence of those Puritans to whom the honorable Member for Shrewsbury,[1] in a very ingenious speech, ascribed all the calamities of Ireland.

The primary cause is, no doubt, the manner in which Ireland became subject to the English crown. The annexation was effected by conquest, and by conquest of a peculiar kind. It was not a conquest such as we have been accustomed to see in modern Europe. It was not a conquest like that which united Artois and Franche Comté to France, or Silesia to Prussia. It was the conquest of a race by a race, such a conquest as that which established the dominion of the Spaniard over the American

[1] Mr. Disraeli.

Indian, or of the Mahratta over the peasant of Guzerat or Tanjore. Of all forms of tyranny I believe that the worst is that of a nation over a nation. Populations separated by seas and mountain ridges may call each other natural enemies, may wage long wars with each other, may recount with pride the victories which they have gained over each other, and point to the flags, the guns, the ships which they have won from each other. But no enmity that ever existed between such populations approaches in bitterness the mutual enmity felt by populations which are locally intermingled, but which have never morally and politically amalgamated; and such were the Englishry and the Irishry. Yet it might have been hoped that the lapse of time and the progress of civilisation would have effaced the distinction between the oppressors and the oppressed. Our island had suffered cruelly from the same evil. Here the Saxon had trampled on the Celt, the Dane on the Saxon, the Norman on Celt, Saxon, and Dane. Yet in the course of ages all the four races had been fused together to form the great English people. A similar fusion would probably have taken place in Ireland but for the Reformation. The English settlers adopted the Protestant doctrines which were received in England. The Aborigines alone, among all the nations of the north of Europe, adhered to the ancient faith. Thus the line of demarcation between the two populations was deepened and widened. The old enmity was reinforced by a new enmity stronger still. Then came those events to which the honorable member for Shrewsbury referred. The spirit of liberty in England was closely allied with the spirit of Puritanism, and was mortally hostile to the Papacy. Such men as Hampden, Vane, Milton, Locke, though zealous generally for civil and spiritual freedom, yet held that the Roman Catholic worship had no claim

to toleration. On the other hand, all the four kings of the House of Stuart showed far more favour to Roman Catholics than to any class of Protestant nonconformists. James the First at one time had some hopes of effecting a reconciliation with the Vatican. Charles the First entered into secret engagements to grant an indulgence to Roman Catholics. Charles the Second was a concealed Roman Catholic. James the Second was an avowed Roman Catholic. Consequently, through the whole of the seventeenth century, the freedom of Ireland and the slavery of England meant the same thing. The watchwords, the badges, the names, the places, the days, which in the mind of an Englishman were associated with deliverance, prosperity, national dignity, were in the mind of an Irishman associated with bondage, ruin, and degradation. The memory of William the Third, the anniversary of the battle of the Boyne, are instances. I was much struck by a circumstance which occurred on a day which I have every reason to remember with gratitude and pride, the day on which I had the high honour of being declared one of the first two members for the great borough of Leeds. My chair was covered with orange ribands. The horses which drew it could hardly be seen for the profusion of orange-coloured finery with which they were adorned. Orange cockades were in all the hats; orange favours at all the windows. And my supporters, I need not say, were men who had, like myself, been zealous for Catholic emancipation. I could not help remarking that the badge seemed rather incongruous. But I was told that the friends of Catholic emancipation in Yorkshire had always rallied under the orange banner, that orange was the colour of Sir George Savile, who brought in that bill which caused the No Popery riots of 1780, and that the very chair in which I sate was the chair in which Lord Milton, now Earl Fitz-

william, had triumphed after the great victory which he won in 1807 over the No Popery party, then headed by the house of Harewood. I thought how different an effect that procession would have produced at Limerick or Cork, with what howls of rage and hatred the Roman Catholic population of those cities would have pursued that orange flag which, to every Roman Catholic in Yorkshire, was the memorial of contests maintained in favour of his own dearest rights. This circumstance, however slight, well illustrates the singular contrast between the history of England and the history of Ireland.

Well, Sir, twice during the seventeenth century the Irish rose up against the English colony. Twice they were completely put down; and twice they were severely chastised. The first rebellion was crushed by Oliver Cromwell; the second by William the Third. Those great men did not use their victory exactly in the same way. The policy of Cromwell was wise, and strong, and straightforward, and cruel. It was comprised in one word, which, as Clarendon tells us, was often in the mouths of the Englishry of that time. That word was extirpation. The object of Cromwell was to make Ireland thoroughly Anglo-Saxon and Protestant. If he had lived twenty years longer he might perhaps have accomplished that work: but he died while it was incomplete; and it died with him. The policy of William, or, to speak more correctly, of those whose inclinations William was under the necessity of consulting, was less able, less energetic, and, though more humane in seeming, perhaps not more humane in reality. Extirpation was not attempted. The Irish Roman Catholics were permitted to live, to be fruitful, to replenish the earth: but they were doomed to be what the Helots were in Sparta, what the Greeks were under the Ottoman, what the blacks now are at New York. Every man of the subject caste was strictly excluded

from public trust. Take what path he might in life, he was crossed at every step by some vexatious restriction. It was only by being obscure and inactive that he could, on his native soil, be safe. If he aspired to be powerful and honoured, he must begin by being an exile. If he pined for military glory, he might gain a cross or perhaps a Marshal's staff in the armies of France or Austria. If his vocation was to politics, he might distinguish himself in the diplomacy of Italy or Spain. But at home he was a mere Gibeonite, a hewer of wood and a drawer of water. The statute book of Ireland was filled with enactments which furnish to the Roman Catholics but too good a ground for recriminating on us when we talk of the barbarities of Bonner and Gardiner; and the harshness of those odious laws was aggravated by a more odious administration. For, bad as the legislators were, the magistrates were worse still. In those evil times originated that most unhappy hostility between landlord and tenant, which is one of the peculiar curses of Ireland. Oppression and turbulence reciprocally generated each other. The combination of rustic tyrants was resisted by gangs of rustic banditti. Courts of law and juries existed only for the benefit of the dominant sect. Those priests who were revered by millions as their natural advisers and guardians, as the only authorised expositors of Christian truth, as the only authorised dispensers of the Christian sacraments, were treated by the squires and squireens of the ruling faction as no good-natured man would treat the vilest beggar. In this manner a century passed away. Then came the French Revolution and the great awakening of the mind of Europe. It would have been wonderful indeed if, when the happiest and most tranquil nations were agitated by vague discontents and vague hopes, Ireland had remained at rest. Jacobinism, it is true, was not a

very natural ally of the Roman Catholic religion. But common enmities produce strange coalitions; and a strange coalition was formed. There was a third great rising of the aboriginal population of the island against English and Protestant ascendency. That rising was put down by the sword; and it became the duty of those who were at the head of affairs to consider how the victory should be used.

I shall not be suspected of being partial to the memory of Mr. Pitt. But I cannot refuse to him the praise both of wisdom and of humanity, when I compare the plan which he formed in that hour of triumph with the plans of those English rulers who had before him governed Ireland. Of Mr. Pitt's plan the Union was a part, an excellent and an essential part indeed, but still only a part. We shall do great injustice both to his head and to his heart if we forget that he was permitted to carry into effect only some unconnected portions of a comprehensive and well concerted scheme. He wished to blend, not only the parliaments, but the nations, and to make the two islands one in interest and affection. With that view the Roman Catholic disabilities were to be removed: the Roman Catholic priests were to be placed in a comfortable and honorable position; and measures were to be taken for the purpose of giving to Roman Catholics the benefits of liberal education. In truth Mr. Pitt's opinions on those subjects had, to a great extent, been derived from a mind even more powerful and capacious than his own, from the mind of Mr. Burke. If the authority of these two great men had prevailed, I believe that the Union with Ireland would now have been as secure, and as much beyond the reach of agitation, as the Union with Scotland. The Parliament in College Green would have been remembered as what it was, the most tyrannical, the most venal, the most unprincipled assembly that ever sate on the face of

this earth. I do not think that, by saying this, I can give offence to any gentleman from Ireland, however zealous for Repeal he may be: for I only repeat the language of Wolfe Tone. Wolfe Tone said that he had seen more deliberative assemblies than most men; that he had seen the English Parliament, the American Congress, the French Council of Elders and Council of Five Hundred, the Batavian Convention; but that he had nowhere found anything like the baseness and impudence of the scoundrels, as he called them, at Dublin. If Mr. Pitt's whole plan had been carried into execution, that infamous parliament, that scandal to the name of parliament, would have perished unregretted; and the last day of its existence would have been remembered by the Roman Catholics of Ireland as the first day of their civil and religious liberty. The great boon which he would have conferred on them would have been gratefully received, because it could not have been ascribed to fear, because it would have been a boon bestowed by the powerful on the weak, by the victor on the vanquished. Unhappily, of all his projects for the benefit of Ireland, the Union alone was carried into effect; and therefore that Union was an Union only in name. The Irish found that they had parted with at least the name and show of independence, and that for this sacrifice of national pride they were to receive no compensation. The Union, which ought to have been associated in their minds with freedom and justice, was associated only with disappointed hopes and forfeited pledges. Yet it was not even then too late. It was not too late in 1813. It was not too late in 1821. It was not too late in 1825. Yes: if, even in 1825, some men who then were, as they now are, high in the service of the crown, could have made up their minds to do what they were forced to do four years later, that great work of conciliation which Mr. Pitt had

meditated might have been accomplished. The machinery of agitation was not yet fully organized: the Government was under no strong pressure; and therefore concession might still have been received with thankfulness. That opportunity was suffered to escape; and it never returned.

In 1829, at length, concessions were made, were made largely, were made without the conditions which Mr. Pitt would undoubtedly have demanded, and to which, if demanded by Mr. Pitt, the whole body of Roman Catholics would have eagerly assented. But those concessions were made reluctantly, made ungraciously, made under duress, made from the mere dread of civil war. How then was it possible that they should produce contentment and repose? What could be the effect of that sudden and profuse liberality following that long and obstinate resistance to the most reasonable demands, except to teach the Irishman that he could obtain redress only by turbulence? Could he forget that he had been, during eight and twenty years, supplicating Parliament for justice, urging those unanswerable arguments which prove that the rights of conscience ought to be held sacred, claiming the performance of promises made by ministers and princes, and that he had supplicated, argued, claimed the performance of promises in vain? Could he forget that two generations of the most profound thinkers, the most brilliant wits, the most eloquent orators, had written and spoken for him in vain? Could he forget that the greatest statesmen who took his part had paid dear for their generosity? Mr. Pitt endeavoured to redeem his pledge; and he was driven from office. Lord Grey and Lord Grenville endeavoured to do but a very small part of what Mr. Pitt had thought right and expedient; and they were driven from office. Mr. Canning took the same side; and his reward was to be worried to death by the party of which he was the brightest ornament.

At length, when he was gone, the Roman Catholics began to look, not to cabinets and parliaments, but to themselves. They displayed a formidable array of physical force, and yet kept within, just within, the limits of the law. The consequence was that, in two years, more than any prudent friend had ventured to demand for them was granted to them by their enemies. Yes; within two years after Mr. Canning had been laid in the transept near us, all that he would have done, and more than he could have done, was done by his persecutors. How was it possible that the whole Roman Catholic population of Ireland should not take up the notion that from England, or at least from the party which then governed and which now governs England, nothing is to be got by reason, by entreaty, by patient endurance, but everything by intimidation? That tardy repentance deserved no gratitude, and obtained none. The whole machinery of agitation was complete and in perfect order. The leaders had tasted the pleasures of popularity; the multitude had tasted the pleasures of excitement. Both the demagogue and his audience felt a craving for the daily stimulant. Grievances enough remained, God knows, to serve as pretexts for agitation: and the whole conduct of the Government had led the sufferers to believe that by agitation alone could any grievance be removed.

Such, Sir, is the history of the rise and progress of the disorders of Ireland. Misgovernment, lasting without interruption from the reign of Henry the Second to the reign of William the Fourth, has left us an immense mass of discontent, which will, no doubt, in ordinary times, make the task of any statesman whom the Queen may call to power sufficiently difficult. But, though this be true, it is not less true, that the immediate causes of the extraordinary agitation which alarms us at this moment is to

be found in the misconduct of Her Majesty's present advisers. For, Sir, though Ireland is always combustible, Ireland is not always on fire. We must distinguish between the chronic complaints which are to be attributed to remote causes, and the acute attack, which is brought on by recent imprudence. For, though there is always a predisposition to disease in that unhappy society, the violent paroxysms come only at intervals. I must own that I am indebted for some of my imagery to the right honorable Baronet the First Lord of the Treasury. When he sate on this bench, and was only a candidate for the great place which he now fills, he compared himself to a medical man at the bedside of a patient. Continuing his metaphor, I may say that his prognosis, his diagnosis, his treatment, have all been wrong. I do not deny that the case was difficult. The sufferer was of a very ill habit of body, and had formerly suffered many things of many physicians, and, among others, I must say, of the right honorable Baronet himself. Still the malady had, a very short time ago, been got under, and kept under, by the judicious use of lenitives; and there was reason to hope that if that salutary regimen had been steadily followed, there would have been a speedy improvement in the general health. Unhappily, the new State hygeist chose to apply irritants which have produced a succession of convulsive fits, each more violent than that which preceded it. To drop the figure, it is impossible to doubt that Lord Melbourne's government was popular with the great body of the Roman Catholics of Ireland. It is impossible to doubt that the two Viceroys whom he sent to Ireland were more loved and honoured by the Irish people than any Viceroys before whom the sword of state has ever been borne. Under the late Government, no doubt, the empire was threatened by many dangers; but, to whatever quarter the Ministers might look with uneasy apprehension, to Ireland they could always

look with confidence. When bad men raised disturbances here, when a Chartist rabble fired on the Queen's soldiers, numerous regiments could, without the smallest risk, be spared from Ireland. When a rebellion broke out in one of our colonies,—a rebellion too which it might have been expected that the Irish would regard with favour, for it was a rebellion of Roman Catholics against Protestant rulers,—even then Ireland was true to the general interests of the empire, and troops were sent from Munster and Connaught to put down insurrection in Canada. No person will deny that if, in 1840, we had unhappily been forced into war, and if a hostile army had landed in Bantry Bay, the whole population of Cork and Tipperary would have risen up to defend the throne of Her Majesty, and would have offered to the invaders a resistance as determined as would have been offered by the men of Kent or Norfolk. And by what means was this salutary effect produced? Not by great legislative reforms: for, unfortunately, that Government, though it had the will, had not the power, to carry such reforms against the sense of a strong minority in this House, and of a decided majority of the Peers. No, Sir, this effect was produced merely by the wisdom, justice, and humanity with which the existing law, defective as it might be, was administered. The late Government, calumniated and thwarted at every turn, contending against the whole influence of the Established Church, and of the great body of the nobility and landed gentry, yet did show a disposition to act kindly and fairly towards Ireland, and did, to the best of its power, treat Protestants and Roman Catholics alike. If we had been as strong as our successors in parliamentary support, if we had been able to induce the two Houses to follow in legislation the same principles by which we were guided in administration, the Union with Ireland would now have been as secure

from the assaults of agitators as the Union with Scotland. But this was not to be. During six years an opposition, formidable in numbers, formidable in ability, selected as the especial object of the fiercest and most pertinacious attacks those very acts of the Government which had, after centuries of mutual animosity, half reconciled the two islands. Those Lords Lieutenants who, in Ireland, were venerated as no preceding Lord Lieutenant had ever been venerated, were here reviled as no preceding Lord Lieutenant had ever been reviled. Every action, every word which was applauded by the nation committed to their care, was here imputed to them as a crime. Every bill framed by the advisers of the Crown for the benefit of Ireland was either rejected or mutilated. A few Roman Catholics of distinguished merit were appointed to situations which were indeed below their just claims, but which were higher than any member of their Church had filled during many generations. Two or three Roman Catholics were sworn of the Council; one took his seat at the Board of Treasury; another at the Board of Admiralty. There was great joy in Ireland; and no wonder. What had been done was not much; but the ban had been taken off; the Emancipation Act, which had been little more than a dead letter, was at length a reality. But in England all the underlings of the great Tory party set up a howl of rage and hatred worthy of Lord George Gordon's No Popery mob. The right honorable Baronet now at the head of the Treasury, with his usual prudence, abstained from joining in the cry, and was content to listen to it, to enjoy it, and to profit by it. But some of those who ranked next to him among the chiefs of the opposition, did not imitate his politic reserve. One great man denounced the Irish as aliens. Another called them minions of Popery. Those teachers of religion to whom millions looked

up with affection and reverence were called by the Protestant press demon priests and surpliced ruffians, and were denounced from the Protestant pulpit as pontiffs of Baal, as false prophets who were to be slain with the sword. We were reminded that a Queen of the chosen people had in the old time patronised the ministers of idolatry, and that her blood had been given to the dogs. Not content with throwing out or frittering down every law beneficial to Ireland, not content with censuring in severe terms every act of the executive government which gave satisfaction in Ireland, you, yes, you, who now fill the great offices of state, assumed the offensive. From obstruction you proceeded to aggression. You brought in a bill which you called a Bill for the Registration of Electors in Ireland. We then told you that it was a bill for the wholesale disfranchisement of the electors of Ireland. We then proved incontrovertibly that, under pretence of reforming the law of procedure, you were really altering the substantive law; that, by making it impossible for any man to vindicate his right to vote without trouble, expense, and loss of time, you were really taking away the votes of tens of thousands. You denied all this then. You very coolly admit it all now. Am I to believe that you did not know it as well in 1841 as in 1844? Has one new fact been brought to light? Has one argument been discovered which was not, three or four years ago, urged twenty, thirty, forty times in this House? Why is it that you have, when in power, abstained from proposing that change in the mode of registration which, when you were out of power, you represented as indispensable? You excuse yourselves by saying that now the responsibilities of office are upon you. In plain words, your trick has served its purpose. Your object,—for I will do justice to your patriotism,—your object was not to ruin your country, but to get in; and you are

in. Such public virtue deserved such a reward, a reward which has turned out a punishment, a reward which ought to be, while the world lasts, a warning to unscrupulous ambition. Many causes contributed to place you in your present situation. But the chief cause was, beyond all doubt, the prejudice which you excited amongst the English against the just and humane manner in which the late ministers governed Ireland. In your impatience for office, you called up the devil of religious intolerance, a devil more easily evoked than dismissed. He did your work; and he holds your bond. You once found him an useful slave; but you have since found him a hard master. It was pleasant, no doubt, to be applauded by high churchmen and low churchmen, by the Sheldonian Theatre and by Exeter Hall. It was pleasant to be described as the champions of the Protestant faith, as the men who stood up for the Gospel against that spurious liberality which made no distinction between truth and falsehood. It was pleasant to hear your opponents called by every nickname that is to be found in the foul vocabulary of the Reverend Hugh MacNeill. It was pleasant to hear that they were the allies of Antichrist, that they were the servants of the man of sin, that they were branded with the mark of the Beast. But when all this slander and scurrility had raised you to power, when you found that you had to manage millions of those who had been, year after year, constantly insulted and defamed by yourselves and your lacqueys, your hearts began to fail you. Now you tell us that you have none but kind and respectful feelings towards the Irish Roman Catholics, that you wish to conciliate them, that you wish to carry the Emancipation Act into full effect, that nothing would give you more pleasure than to place on the bench of justice a Roman Catholic lawyer of conservative politics, that nothing would give you more pleasure

than to place at the Board of Treasury, or at the Board of Admiralty, some Roman Catholic gentleman of conservative politics, distinguished by his talents for business or debate. Your only reason, you assure us, for not promoting Roman Catholics is that all the Roman Catholics are your enemies; and you ask whether any minister can be expected to promote his enemies. For my part, I do not doubt that you would willingly promote Roman Catholics: for, as I have said, I give you full credit for not wishing to do your country more harm than is necessary for the purpose of turning out and keeping out the Whigs. I also fully admit that you cannot be blamed for not promoting your enemies. But what I want to know is, how it happens that all the Roman Catholics in the United Kingdom are your enemies. Was such a thing ever heard of before? Here are six or seven millions of people of all professions, of all trades, of all grades of rank, fortune, intellect, education. Begin with the premier Peer, the Earl Marshal of the realm, the chief of the Howards, the heir of the Mowbrays and Fitzalans, and go down through earls, barons, baronets, lawyers and merchants, to the very poorest peasant that eats his potatoes without salt in Mayo; and all these millions to a man are arrayed against the Government. How do you explain this? Is there any natural connection between the Roman Catholic theology and the political theories held by Whigs and by reformers more democratical than the Whigs? Not only is there no natural connection, but there is a natural opposition. Of all Christian sects the Roman Catholic Church holds highest the authority of antiquity, of tradition, of immemorial usage. Her spirit is eminently conservative, nay, in the opinion of all Protestants, conservative to an unreasonable and pernicious extent. A man who has been taught from childhood to regard with horror all innovation in religion is surely less likely than another

man to be a bold innovator in politics. It is probable that a zealous Roman Catholic, if there were no disturbing cause, would be a Tory; and the Roman Catholics were all Tories till you persecuted them into Whiggism and Radicalism. In the civil war, how many Roman Catholics were there in Fairfax's army? I believe, not one. They were all under the banner of Charles the First. When a reward of five thousand pounds was offered for Charles the Second alive or dead, when to conceal him was to run a most serious risk of the gallows, it was among Roman Catholics that he found shelter. It has been the same in other countries. When everything else in France was prostrate before the Jacobins, the Roman Catholic peasantry of Brittany and Poitou still stood up for the House of Bourbon. Against the gigantic power of Napoleon, the Roman Catholic peasantry of the Tyrol maintained unaided the cause of the House of Hapsburg. It would be easy to multiply examples. And can we believe, in defiance of all reason and of all history, that, if the Roman Catholics of the United Kingdom had been tolerably well governed, they would not have been attached to the Government? In my opinion the Tories never committed so great an error as when they scourged away and spurned away the Roman Catholics. Mr. Burke understood this well. The sentiment which, towards the close of his life, held entire possession of his mind, was a horror,—a morbid horror it at last became,—of Jacobinism, and of everything that seemed to him to tend towards Jacobinism: and, like a great statesman and philosopher,—for such he was even in his errors,—he perceived, and he taught Mr. Pitt to perceive, that, in the war against Jacobinism, the Roman Catholics were the natural allies of royalty and aristocracy. But the help of these allies was contumeliously rejected by those politicians who make themselves ridiculous by carousing on Mr. Pitt's

birthday, while they abjure all Mr. Pitt's principles. The consequence is, as you are forced to own, that there is not in the whole kingdom a Roman Catholic of note who is your friend. Therefore, whatever your inclinations may be, you must entrust power in Ireland to Protestants, to Ultra-Protestants, to men who, whether they belong to Orange lodges or not, are in spirit Orangemen. Every appointment which you make increases the discontent of the Roman Catholics. The more discontented they are, the less you can venture to employ them. The way in which you treated them while you were in opposition has raised in them such a dislike and distrust of you that you cannot carry the Emancipation Act into effect, though, as you tell us, and as I believe, you sincerely desire to do so. As respects the offices of which you dispose, that Act is null and void. Of all the boons which that Act purports to bestow on Roman Catholics they really enjoy only one, admission to Parliament; and that they would not enjoy if you had been able three years ago to carry your Irish Registration Bill. You have wounded national feeling: you have wounded religious feeling: and the animosity which you have roused shows itself in a hundred ways, some of which I abhor, some of which I lament, but at none of which I can wonder. They are the natural effects of insult and injury on quick and ill regulated sensibility. You, for your own purposes, inflamed the public mind of England against Ireland: and you have no right to be surprised by finding that the public mind of Ireland is inflamed against England. You called a fourth part of the people of the United Kingdom aliens: and you must not blame them for feeling and acting like aliens. You have filled every public department with their enemies. What then could you expect but that they would set up against your Lord Lieutenant and your official hierarchy a more powerful chief and a more powerful

organization of their own? They remember, and it would be strange indeed if they had forgotten, what, under the same chief, and by a similar organization, they extorted from you in 1829; and they are determined to try whether you are bolder and more obstinate now than then.

Such are the difficulties of this crisis. To a great extent they are of your own making. And what have you done in order to get out of them? Great statesmen have sometimes committed great mistakes, and yet have by wisdom and firmness extricated themselves from the embarrassments which those mistakes had caused. Let us see whether you are entitled to rank among such statesmen. And first, what,—commanding, as you do, a great majority in this and in the other House of Parliament,—what have you done in the way of legislation? The answer is very short and simple. The beginning and end of all your legislation for Ireland will be found in the Arms Act of last session. You will hardly call that conciliation; and I shall not call it coercion. It was mere petty annoyance. It satisfied nobody. We called on you to redress the wrongs of Ireland. Many of your own friends called on you to stifle her complaints. One noble and learned person was so much disgusted by your remissness that he employed his own great abilities and his own valuable time in framing a new coercion bill for you. You were deaf alike to us and to him. The whole fruit of your legislative wisdom was this one paltry teasing police regulation.

Your executive administration through the whole recess has been one long blunder. The way in which your Lord Lieutenant and his advisers acted about the Clontarf meeting would alone justify a severe vote of censure. The noble lord, the Secretary for the Colonies,[1] has told us that the Government did

[1] Lord Stanley.

all that was possible to caution the people against attending that meeting, and that it would be unreasonable to censure men for not performing impossibilities. Now, Sir, the ministers themselves acknowledge that, as early as the morning of the Friday which preceded the day fixed for the meeting, the Lord Lieutenant determined to put forth a proclamation against the meeting. Yet the proclamation was not published in Dublin and the suburbs till after nightfall on Saturday. The meeting was fixed for the Sunday morning. Will any person have the hardihood to assert that it was impossible to have a proclamation drawn up, printed, and circulated in twenty-four hours, nay in six hours. It is idle to talk of the necessity of weighing well the words of such a document. The Lord Lieutenant should have weighed well the value of the lives of his royal mistress's subjects. Had he done so, there can be no doubt that the proclamation might have been placarded on every wall in and near Dublin early in the forenoon of the Saturday. The negligence of the Government would probably have caused the loss of many lives but for the interposition of the man whom you are persecuting. Fortune stood your friend; and he stood your friend; and thus a slaughter more terrible than that which took place twenty-five years ago at Manchester was averted.

But you were incorrigible. No sooner had you, by strange good luck, got safe out of one scrape, than you made haste to get into another out of which, as far as I can see, you have no chance of escape. You instituted the most unwise, the most unfortunate of all state prosecutions. You seem not to have at all known what you were doing. It appears never to have occurred to you that there was any difference between a criminal proceeding which was certain to fix the attention of the whole civilised world and an ordinary *qui tam* action for a penalty. The evidence

was such and the law such that you were likely to get a verdict and a judgment; and that was enough for you. Now, Sir, in such a case as this, the probability of getting the verdict and the judgment is only a part, and a very small part, of what a statesman ought to consider. Before you determined to bring the most able, the most powerful, the most popular of your opponents to the bar as a criminal, on account of the manner in which he had opposed you, you ought to have asked yourselves whether the decision which you expected to obtain from the tribunals would be ratified by the voice of your own country, of foreign countries, of posterity; whether the general opinion of mankind might not be that, though you were legally in the right, you were morally in the wrong. It was no common person that you were bent on punishing. About that person I feel, I own, considerable difficulty in saying anything. He is placed in a situation which would prevent generous enemies, which has prevented all the members of this house, with one ignominious exception, from assailing him acrimoniously. I will try, in speaking of him, to pay the respect due to eminence and to misfortune, without violating the respect due to truth. I am convinced that the end which he is pursuing is not only mischievous but unattainable; and some of the means which he has stooped to use for the purpose of attaining that end I regard with deep disapprobation. But it is impossible for me not to see that the place which he holds in the estimation of his countrymen is such as no popular leader in our history, I might perhaps say in the history of the world, has ever attained. Nor is the interest which he inspires confined to Ireland or to the United Kingdom. Go where you will on the continent: visit any coffee house: dine at any public table; embark on board of any steamboat: enter any diligence, any railway carriage: from the

moment that your accent shows you to be an Englishman, the very first question asked by your companions, be they what they may, physicians, advocates, merchants, manufacturers, or what we should call yeomen, is certain to be "What will be done with Mr. O'Connell?" Look over any file of French journals; and you will see what a space he occupies in the eyes of the French people. It is most unfortunate, but it is a truth, and a truth which we ought always to bear in mind, that there is among our neighbours a feeling about the connection between England and Ireland not very much unlike the feeling which exists here about the connection between Russia and Poland. All the sympathies of all continental politicians are with the Irish. We are regarded as the oppressors, and the Irish as the oppressed. An insurrection in Ireland would have the good wishes of a great majority of the people of Europe. And, Sir, it is natural that it should be so. For the cause of the Irish repealers has two different aspects, a democratic aspect, and a Roman Catholic aspect, and is therefore regarded with favour by foreigners of almost every shade of opinion. The extreme left,—to use the French nomenclature,—wishes success to a great popular movement against the throne and the aristocracy. The extreme right wishes success to a movement headed by the bishops and priests of the true church against a heretical government and a heretical hierarchy. The consequence is that, in a contest with Ireland, you will not have, out of this island, a single well-wisher in the world. I do not say this in order to intimidate you. But I do say that, on an occasion on which all Christendom was watching your conduct with an unfriendly and suspicious eye, you should have carefully avoided everything that looked like foul play. Unhappily you were too much bent on gaining the victory; and you have gained a victory more

disgraceful and disastrous than any defeat. Mr. O'Connell has been convicted: but you cannot deny that he has been wronged: you cannot deny that irregularities have been committed, or that the effect of those irregularities has been to put you in a better situation and him in a worse situation than the law contemplated. It is admitted that names which ought to have been in the jury-list were not there. It is admitted that all, or almost all, the names which were wrongfully excluded were the names of Roman Catholics. As to the number of those who were wrongfully excluded there is some dispute. An affidavit has been produced which puts the number at twenty-seven. The right honorable gentleman, the Recorder of Dublin, who of course puts the number as low as he conscientiously can, admits twenty-four. But some gentlemen maintain that this irregularity, though doubtless blamable, cannot have had any effect on the event of the trial. What, they ask, are twenty or twenty-seven names in seven hundred and twenty? Why, Sir, a very simple arithmetical calculation will show that the irregularity was of grave importance. Of the seven hundred and twenty, forty-eight were to be selected by lot, and then reduced by alternate striking to twelve. The forty-eighth part of seven hundred and twenty is fifteen. If, therefore, there had been fifteen more Roman Catholics in the jury-list, it would have been an even chance that there would have been one Roman Catholic more among the forty-eight. If there had been twenty-seven more Roman Catholics in the list it would have been almost an even chance that there would have been two Roman Catholics more among the forty-eight. Is it impossible, is it improbable that, but for this trick or this blunder,—I will not now inquire which,—the result of the trial might have been different? For, remember the power which the law gives to a single juror. He can,

if his mind is fully made up, prevent a conviction. I heard murmurs when I used the word trick. Am I not justified in feeling a doubt which it is quite evident that Mr. Justice Perrin feels? He is reported to have said,—and I take the report of newspapers favourable to the Government,—he is reported to have said that there had been great carelessness, great neglect of duty, that there were circumstances which raised grave suspicion, and that he was not prepared to say that the irregularity was accidental. The noble lord the Secretary for the Colonies has admonished us to pay respect to the judges. I am sure that I pay the greatest respect to everything that falls from Mr. Justice Perrin. He must know much better than I, much better than any English gentleman, what artifices are likely to be employed by Irish functionaries for the purpose of packing a jury; and he tells us that he is not satisfied that this irregularity was the effect of mere inadvertence. But, says the right honorable Baronet, the Secretary for the Home Department, "I am not responsible for this irregularity." Most true; and nobody holds the right honorable Baronet responsible for it. But he goes on to say, "I lament this irregularity most sincerely: for I believe that it has raised a prejudice against the administration of justice." Exactly so. That is just what I say. I say that a prejudice has been created against the administration of justice. I say that a taint of suspicion has been thrown on the verdict which you have obtained. And I ask whether it is right and decent in you to avail yourselves of a verdict on which such a taint has been thrown? The only wise, the only honorable course open to you was to say, "A mistake has been committed: that mistake has given us an unfair advantage; and of that advantage we will not make use." Unhappily, the time when you might have taken this course, and might thus to a great extent

have repaired your former errors, has been suffered to elapse.

Well, you had forty-eight names taken by lot from this mutilated jury-list: and then came the striking. You struck out all the Roman Catholic names: and you give us your reasons for striking out these names, reasons which I do not think it worth while to examine. The real question which you should have considered was this: Can a great issue between two hostile religions,—for such the issue was,—be tried in a manner above all suspicion by a jury composed exclusively of men of one of those religions? I know that in striking out the Roman Catholics you did nothing that was not according to technical rules. But my great charge against you is that you have looked on this whole case in a technical point of view, that you have been attorneys when you should have been statesmen. The letter of the law was doubtless with you; but not the noble spirit of the law. The jury *de medietate linguæ* is of immemorial antiquity among us. Suppose that a Dutch sailor at Wapping is accused of stabbing an Englishman in a brawl. The fate of the culprit is decided by a mixed body, by six Englishmen and six Dutchmen. Such were the securities which the wisdom and justice of our ancestors gave to aliens. You are ready enough to call Mr. O'Connell an alien when it serves your purposes to do so. You are ready enough to inflict on the Irish Roman Catholic all the evils of alienage. But the one privilege, the one advantage of alienage, you deny him. In a case which of all cases most required a jury *de medietate*, in a case which sprang out of the mutual hostility of races and sects, you pack a jury all of one race and all of one sect. Why, if you were determined to go on with this unhappy prosecution, not have a common jury? There was no difficulty in having such a jury; and among the

jurors might have been some respectable Roman Catholics who were not members of the Repeal Association. A verdict of Not Guilty from such a jury would have done you infinitely less harm than the verdict of Guilty which you have succeeded in obtaining. Yes, you have obtained a verdict of Guilty; but you have obtained that verdict from twelve men brought together by illegal means, and selected in such a manner that their decision can inspire no confidence. You have obtained that verdict by the help of a Chief Justice of whose charge I can hardly trust myself to speak. To do him right, however, I will say that his charge was not, as it has been called, unprecedented; for it bears a very close resemblance to some charges which may be found in the state trials of the reign of Charles the Second. However, with this jury-list, with this jury, with this judge, you have a verdict. And what have you gained by it? Have you pacified Ireland? No doubt there is just at the present moment an apparent tranquillity; but it is a tranquillity more alarming than turbulence. The Irish will be quiet till you begin to put the sentence of imprisonment into execution, because, feeling the deepest interest in the fate of their persecuted Tribune, they will do nothing that can be prejudicial to him. But will they be quiet when the door of a gaol has been closed on him? Is it possible to believe that an agitator, whom they adored while his agitation was a source of profit to him, will lose his hold on their affections by being a martyr in what they consider as their cause? If I, who am strongly attached to the Union, who believe that the Repeal of the Union would be fatal to the empire, and who think Mr. O'Connell's conduct highly reprehensible, cannot conscientiously say that he has had a fair trial, if the prosecutors themselves are forced to own that things have happened which have excited a

prejudice against the verdict and the judgment, what must be the feelings of the people of Ireland, who believe not merely that he is guiltless, but that he is the best friend that they ever had? He will no longer be able to harangue them: but his wrongs will stir their blood more than his eloquence ever did; nor will he in confinement be able to exercise that influence which has so often restrained them, even in their most excited mood, from proceeding to acts of violence.

Turn where we will, the prospect is gloomy; and that which of all things most disturbs me is this, that your experience, sharp as it has been, does not seem to have made you wiser. All that I have been able to collect from your declarations leads me to apprehend that, while you continue to hold power, the future will be of a piece with the past. As to your executive administration, you hold out no hope that it will be other than it has been. If we look back, your only remedies for the disorders of Ireland have been an impolitic state prosecution, an unfair state trial, barracks and soldiers. If we look forward, you promise us no remedies but an unjust sentence, the harsh execution of that sentence, more barracks and more soldiers.

You do indeed try to hold out hopes of one or two legislative reforms beneficial to Ireland; but these hopes, I am afraid, will prove delusive. You hint that you have prepared a Registration bill, of which the effect will be to extend the elective franchise. What the provisions of that bill may be we do not know. But this we know, that the matter is one about which it is utterly impossible for you to do anything that shall be at once honourable to yourselves and useful to the country. Before we see your plan, we can say with perfect confidence that it must either destroy the last remnant of the representative system in Ireland,

or the last remnant of your own character for consistency.

About the much agitated question of land tenure you acknowledge that you have at present nothing to propose. We are to have a report, but you cannot tell us when.

The Irish Church, as at present constituted and endowed, you are fully determined to uphold. On some future occasion, I hope to be able to explain at large my views on that subject. To-night I have exhausted my own strength, and I have exhausted also, I am afraid, the kind indulgence of the House. I will therefore only advert very briefly to some things which have been said about the Church in the course of the present debate.

Several gentlemen opposite have spoken of the religious discord which is the curse of Ireland in language which does them honour; and I am only sorry that we are not to have their votes as well as their speeches. But from the Treasury bench we have heard nothing but this, that the Established Church is there, and that there it must and shall remain. As to the speech of the noble lord the Secretary for the Colonies, really when we hear such a pitiable defence of a great institution from a man of such eminent abilities, what inference can we draw but that the institution is altogether indefensible? The noble lord tells us that the Roman Catholics, in 1757, when they were asking to be relieved from the penal laws, and in 1792, when they were asking to be relieved from civil disabilities, professed to be quite willing that the Established Church should retain its endowments. What is it to us, Sir, whether they did or not? If you can prove this Church to be a good institution, of course it ought to be maintained. But do you mean to say that a bad institution ought to be maintained because some people who have been many

years in their graves said that they did not complain of it? What if the Roman Catholics of the present generation hold a different language on this subject from the Roman Catholics of the last generation? Is this inconsistency, which appears to shock the noble lord, anything but the natural and inevitable progress of all reform? People who are oppressed, and who have no hope of obtaining entire justice, beg to be relieved from the most galling part of what they suffer. They assure the oppressor that if he will only relax a little of his severity they shall be quite content; and perhaps, at the time, they believe that they shall be content. But are expressions of this sort, are mere supplications uttered under duress, to estop every person who utters them, and all his posterity to the end of time, from asking for entire justice? Am I debarred from trying to recover property of which I have been robbed, because, when the robber's pistol was at my breast, I begged him to take everything that I had and to spare my life? The noble lord knows well that, while the slave trade existed, the great men who exerted themselves to put an end to that trade disclaimed all thought of emancipating the negroes. In those days, Mr. Pitt, Mr. Fox, Lord Grenville, Lord Grey, and even my dear and honoured friend of whom I can never speak without emotion, Mr. Wilberforce, always said that it was a calumny to accuse them of intending to liberate the black population of the sugar islands. In 1807 the present Duke of Northumberland, then Lord Percy, in the generous enthusiasm of youth, rose to propose in this House the abolition of slavery. Mr. Wilberforce interposed, nay, I believe, almost pulled Lord Percy down. Nevertheless in 1833 the noble lord the Secretary for the Colonies brought in a bill to abolish slavery. Suppose that when he resumed his seat, after making that most eloquent speech in

which he explained his plan to us, some West Indian planter had risen, and had said that in 1792, in 1796, in 1807, all the leading philanthropists had solemnly declared that they had no intention of emancipating the negroes; would not the noble lord have answered that nothing that had been said by anybody in 1792 or 1807 could bind us not to do what was right in 1833?

This is not the only point on which the noble lord's speech is quite at variance with his own conduct. He appeals to the fifth article of the Treaty of Union. He says that, if we touch the revenues and privileges of the Established Church, we shall violate that article; and to violate an article of the Treaty of Union is, it seems, a breach of public faith of which he cannot bear to think. But, Sir, why is the fifth article to be held more sacred than the fourth, which fixes the number of Irish members who are to sit in this House? The fourth article, we all know, has been altered. And who brought in the bill which altered that article? The noble lord himself.

Then the noble lord adverts to the oath taken by Roman Catholic members of this House. They bind themselves, he says, not to use their power for the purpose of injuring the Established Church. I am sorry that the noble lord is not at this moment in the House. Had he been here I should have made some remarks which I now refrain from making on one or two expressions which fell from him. But, Sir, let us allow to his argument all the weight which he can himself claim for it. What does it prove? Not that the Established Church of Ireland is a good institution; not that it ought to be maintained; but merely this, that, when we are about to divide on the question whether it shall be maintained, the Roman Catholic members ought to walk away to the library. The oath which they have taken is

nothing to me and to the other Protestant members who have not taken it. Suppose then our Roman Catholic friends withdraw. Suppose that we, the six hundred and twenty or thirty Protestant members, remain in the House. Then there is an end of this argument about the oath. Will the noble lord then be able to give us any reason for maintaining the Church of Ireland on the present footing.

I hope, Sir, that the right honorable Baronet the First Lord of the Treasury will not deal with this subject as his colleagues have dealt with it. We have a right to expect that a man of his capacity, placed at the head of government, will attempt to defend the Irish Church in a manly and rational way. I would beg him to consider these questions:— For what ends do Established Churches exist? Does the Established Church of Ireland accomplish those ends or any one of those ends? Can an Established Church which has no hold on the hearts of the body of the people be otherwise than useless, or worse than useless? Has the Established Church of Ireland any hold on the hearts of the body of the people? Has it been successful in making proselytes? Has it been what the Established Church of England has been with justice called, what the Established Church of Scotland was once with at least equal justice called, the poor man's Church? Has it trained the great body of the people to virtue, consoled them in affliction, commanded their reverence, attached them to itself and to the State? Show that these questions can be answered in the affirmative; and you will have made, what I am sure has never yet been made, a good defence of the Established Church of Ireland. But it is mere mockery to bring us quotations from forgotten speeches, and from mouldy petitions presented to George the Second at a time when the penal laws were still in full force.

And, now, Sir, I must stop. I have said enough to justify the vote which I shall give in favour of the motion of my noble friend. I have shown, unless I deceive myself, that the extraordinary disorders which now alarm us in Ireland have been produced by the fatal policy of the Government. I have shown that the mode in which the Government is now dealing with those disorders is far more likely to inflame than to allay them. While this system lasts, Ireland can never be tranquil; and till Ireland is tranquil, England can never hold her proper place among the nations of the world. To the dignity, to the strength, to the safety of this great country, internal peace is indispensably necessary. In every negotiation, whether with France on the right of search, or with America on the line of boundary, the fact that Ireland is discontented is uppermost in the minds of the diplomatists on both sides, making the representative of the British Crown timorous, and making his adversary bold. And no wonder. This is indeed a great and splendid empire, well provided with the means both of annoyance and of defence. England can do many things which are beyond the power of any other nation in the world. She has dictated peace to China. She rules Caffraria and Australasia. She could again sweep from the ocean all commerce but her own. She could again blockade every port from the Baltic to the Adriatic. She is able to guard her vast Indian dominions against all hostility by land or sea. But in this gigantic body there is one vulnerable spot near to the heart. At that spot forty-six years ago a blow was aimed which narrowly missed, and which, if it had not missed, might have been deadly. The government and the legislature, each in its own sphere, is deeply responsible for the continuance of a state of things which is fraught with danger to the State. From my share of that responsibility I shall clear myself

by the vote which I am about to give; and I trust that the number and the respectability of those in whose company I shall go into the lobby will be such as to convince the Roman Catholics of Ireland that they need not yet relinquish all hope of obtaining relief from the wisdom and justice of an Imperial Parliament.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 6TH OF JUNE, 1844.

An attempt having been made to deprive certain dissenting congregations of property which they had long enjoyed, on the ground that they did not hold the same religious opinions that had been held by the purchasers from whom they derived their title to that property, the Government of Sir Robert Peel brought in a bill fixing a time of limitation in such cases. The time fixed was twenty-five years.

The bill, having passed the Lords, came down to the House of Commons. On the sixth of June, 1844, the second reading was moved by the Attorney General, Sir William Follett. Sir Robert Inglis, Member for the University of Oxford, moved that the bill should be read a second time that day six months; and the amendment was seconded by Mr. Plumtre, Member for Kent. Early in the debate the following Speech was made.

The second reading was carried by 307 votes to 117.

IF, Sir, I should unhappily fail in preserving that tone in which the question before us ought to be debated, it will assuredly not be for want either of an example or of a warning. The honorable and learned Member who moved the second reading has furnished me with a model which I cannot too closely imitate; and from the honorable Member for

Kent, if I can learn nothing else, I may at least learn what temper and what style I ought most carefully to avoid.

I was very desirous, Sir, to catch your eye, not because I was so presumptuous as to hope that I should be able to add much to the powerful and luminous argument of the honorable and learned gentleman who has, to our great joy, again appeared among us to night; but because I thought it desirable that, at an early period in the debate, some person whose seat is on this side of the House, some person strongly opposed to the policy of the present Government, should say, what I now say with all my heart, that this is a bill highly honorable to that Government, a bill framed on the soundest principles, and evidently introduced from the best and purest motives. This praise is a tribute due to Her Majesty's Ministers; and I have great pleasure in paying it.

I have great pleasure also in bearing my testimony to the humanity, the moderation, and the decorum with which my honorable friend the Member for the University of Oxford has expressed his sentiments. I must particularly applaud the resolution which he announced, and to which he strictly adhered, of treating this question as a question of *meum* and *tuum*, and not as a question of orthodoxy and heterodoxy. With him it is possible to reason. But how am I to reason with the honorable Member for Kent, who has made a speech without one fact, one argument, one shadow of an argument, a speech made up of nothing but vituperation? I grieve to say that the same bitterness of theological animosity which characterized that speech may be discerned in too many of the petitions with which, as he boasts, our table has been heaped day after day. The honorable Member complains that those petitions have not been treated with proper respect.

Sir, they have been treated with much more respect than they deserved. He asks why we are to suppose that the petitioners are not competent to form a judgment on this question? My answer is, that they have certified their incompetence under their own hands. They have, with scarcely one exception, treated this question as a question of divinity, though it is purely a question of property: and when I see men treat a question of property as if it were a question of divinity, I am certain that, however numerous they may be, their opinion is entitled to no consideration. If the persons whom this bill is meant to relieve are orthodox, that is no reason for our plundering anybody else in order to enrich them. If they are heretics, that is no reason for our plundering them in order to enrich others. I should not think myself justified in supporting this bill, if I could not with truth declare that, whatever sect had been in possession of these chapels, my conduct would have been precisely the same. I have no peculiar sympathy with Unitarians. If these people, instead of being Unitarians, had been Roman Catholics, or Wesleyan Methodists, or General Baptists, or Particular Baptists, or members of the Old Secession Church of Scotland, or members of the Free Church of Scotland, I should speak as I now speak, and vote as I now mean to vote.

Sir, the whole dispute is about the second clause of this bill. I can hardly conceive that any gentleman will vote against the bill on account of the error in the marginal note on the third clause. To the first clause my honorable friend the Member for the University of Oxford said, if I understood him rightly, that he had no objection; and indeed a man of his integrity and benevolence could hardly say less after listening to the lucid and powerful argument of the Attorney General. It is therefore on the second clause that the whole question turns.

The second clause, Sir, rests on a principle simple, well known, and most important to the welfare of all classes of the community. That principle is this, that prescription is a good title to property, that there ought to be a time of limitation, after which a possessor, in whatever way his possession may have originated, must not be dispossessed. Till very lately, Sir, I could not have imagined that, in any assembly of reasonable, of civilised, of educated men, it could be necessary for me to stand up in defence of that principle. I should have thought it as much a waste of the public time to make a speech on such a subject as to make a speech against burning witches, against trying writs of right by wager of battle, or against requiring a culprit to prove his innocence by walking over red hot ploughshares. But I find that I was in error. Certain sages, lately assembled in conclave at Exeter Hall, have done me the honour to communicate to me the fruits of their profound meditations on the science of legislation. They have, it seems, passed a resolution declaring that the principle, which I had supposed that no man out of Bedlam would ever question, is an untenable principle, and altogether unworthy of a British Parliament. They have been pleased to add, that the present Government cannot, without gross inconsistency, call on Parliament to pass a statute of limitation. And why? Will the House believe it? Because the present Government has appointed two new Vice-Chancellors.

Really, Sir, I do not know whether the opponents of this bill shine more as logicians or as jurists. Standing here as the advocate of prescription, I ought not to forget that prescriptive right of talking nonsense which gentlemen who stand on the platform of Exeter Hall are undoubtedly entitled to claim. But, though I recognise the right, I cannot but think that it may be abused, and that it has

been abused on the present occasion. One thing at least is clear, that, if Exeter Hall be in the right, all the masters of political philosophy, all the great legislators, all the systems of law by which men are and have been governed in all civilised countries, from the earliest times, must be in the wrong. How indeed can any society prosper, or even exist, without the aid of this untenable principle, this principle unworthy of a British legislature? This principle was found in the Athenian law. This principle was found in the Roman law. This principle was found in the laws of all those nations of which the jurisprudence was derived from Rome. This principle was found in the law administered by the Parliament of Paris; and, when that Parliament and the law which it administered had been swept away by the revolution, this principle reappeared in the Code Napoleon. Go westward, and you find this principle recognised beyond the Mississippi. Go eastward, and you find it recognised beyond the Indus, in countries which never heard the name of Justinian, in countries to which no translation of the Pandects ever found its way. Look into our own laws; and you will see that the principle, which is now designated as unworthy of Parliament, has guided Parliament ever since Parliament existed. Our first statute of limitation was enacted at Merton, by men some of whom had borne a part in extorting the Great Charter and the Forest Charter from King John. From that time to this it has been the study of a succession of great lawyers and statesmen to make the limitation more and more stringent. The Crown and the Church indeed were long exempted from the general rule. But experience fully proved that every such exemption was an evil; and a remedy was at last applied. Sir George Savile, the model of English country gentlemen, was the author of the Act which barred the claims of the Crown. That

eminent magistrate, the late Lord Tenterden, was the author of the Act which barred the claims of the Church. Now, Sir, how is it possible to believe that the Barons, whose seals are upon our Great Charter, would have perfectly agreed with the great jurists who framed the Code of Justinian, with the great jurists who framed the Code of Napoleon, with the most learned English lawyers of the nineteenth century, and with the Pundits of Benares, unless there had been some strong and clear reason which necessarily led men of sense in every age and country to the same conclusion? Nor is it difficult to see what the reason was. For it is evident that the principle which silly and ignorant fanatics have called untenable is essential to the institution of property, and that, if you take away that principle, you will produce evils resembling those which would be produced by a general confiscation. Imagine what would follow if the maxims of Exeter Hall were introduced into Westminster Hall. Imagine a state of things in which one of us should be liable to be sued on a bill of exchange indorsed by his grandfather in 1760. Imagine a man possessed of an estate and manor house which had descended to him through ten or twelve generations of ancestors, and yet liable to be ejected because some flaw had been detected in a deed executed three hundred years ago, in the reign of Henry the Eighth. Why, Sir, should we not all cry out that it would be better to live under the rule of a Turkish Pasha than under such a system? Is it not plain that the enforcing of an obsolete right is the inflicting of a wrong? Is it not plain that, but for our statutes of limitation, a lawsuit would be merely a grave, methodical robbery? I am ashamed to argue a point so clear.

And if this be the general rule, why should the case which we are now considering be an exception to that rule? I have done my best to understand

why. I have read much bad oratory, and many foolish petitions. I have heard with attention the reasons of my honorable friend the Member for the University of Oxford; and I should have heard the reasons of the honorable Member for Kent, if there had been any to hear. Every argument by which my honorable friend the Member for the University of Oxford tried to convince us that this case is an exception to the general rule, will be found on examination to be an argument against the general rule itself. He says that the possession which we propose to sanction was originally a wrongful possession. Why, Sir, all the statutes of limitation that ever were made sanction possession which was originally wrongful. It is for the protection of possessors who are not in condition to prove that their possession was originally rightful that statutes of limitation are passed. Then my honorable friend says that this is an *ex post facto* law. Why, Sir, so are all our great statutes of limitation. Look at the Statute of Merton, passed in 1235; at the Statute of Westminster, passed in 1275; at the Statute of James the First, passed in 1623; at Sir George Savile's Act, passed in the last century; at Lord Tenterden's Act, passed in our own time. Every one of those Acts was retrospective. Every one of them barred claims arising out of past transactions. Nor was any objection ever raised to what was so evidently just and wise, till bigotry and chicanery formed that disgraceful league against which we are now contending. But, it is said, it is unreasonable to grant a boon to men because they have been many years doing wrong. The length of the time during which they have enjoyed property not rightfully their own, is an aggravation of the injury which they have committed, and is so far from being a reason for letting them enjoy that property for ever, that it is rather a reason for compelling them to

make prompt restitution. With this childish sophistry the petitions on our table are filled. Is it possible that any man can be so dull as not to perceive that, if this be a reason, it is a reason against all our statutes of limitation? I do a greater wrong to my tailor if I withhold payment of his bill during six years than if I withhold payment only during two years. Yet the law says that at the end of two years he may bring an action and force me to pay him with interest, but that after the lapse of six years he cannot force me to pay him at all. It is much harder that a family should be kept out of its hereditary estate during five generations than during five days. But if you are kept out of your estate five days you have your action of ejectment; and, after the lapse of five generations, you have no remedy. I say, therefore, with confidence, that every argument which has been urged against this bill is an argument against the great principle of prescription. I go further, and I say that, if there be any case which, in an especial manner, calls for the application of the principle of prescription, this is that case. For the Unitarian congregations have laid out so much on these little spots of ground that it is impossible to take the soil from them without taking from them property which is of much greater value than the mere soil, and which is indisputably their own. This is not the case of a possessor who has been, during many years, receiving great emoluments from land to which he had not a good title. It is the case of a possessor who has, from resources which were undoubtedly his own, expended on the land much more than it was originally worth. Even in the former case, it has been the policy of all wise lawgivers to fix a time of limitation. *À fortiori*, therefore, there ought to be a time of limitation in the latter case.

And here, Sir, I cannot help asking gentlemen

to compare the petitions for this bill with the petitions against it. Never was there such a contrast. The petitions against the bill are filled with cant, rant, scolding, scraps of bad sermons. The petitions in favour of the bill set forth in the simplest manner great practical grievances. Take, for instance, the case of Cirencester. The meeting house there was built in 1730. It is certain that the Unitarian doctrines were taught there as early as 1742. That was only twelve years after the chapel had been founded. Many of the original subscribers must have been living. Many of the present congregation are lineal descendants of the original subscribers. Large sums have from time to time been laid out in repairing, enlarging, and embellishing the edifice; and yet there are people who think it just and reasonable that this congregation should, after the lapse of more than a century, be turned out. At Norwich, again, a great dissenting meeting house was opened in 1688. It is not easy to say how soon Anti-Trinitarian doctrines were taught there. The change of sentiment in the congregation seems to have been gradual: but it is quite certain that, in 1754, ninety years ago, both pastor and flock were decidedly Unitarian. Round the chapel is a cemetery filled with the monuments of eminent Unitarians. Attached to the chapel are a school-house and a library, built and fitted up by Unitarians. And now the occupants find that their title is disputed. They cannot venture to build; they cannot venture to repair; and they are anxiously awaiting our decision. I do not know that I have cited the strongest cases. I am giving you the ordinary history of these edifices. Go to Manchester. Unitarianism has been taught there at least seventy years in a chapel on which the Unitarians have expended large sums. Go to Leeds. Four thousand pounds have been subscribed for the repairing of the

Unitarian chapel there, the chapel where, near eighty years ago, Priestley, the great Doctor of the sect, officiated. But these four thousand pounds are lying idle. Not a pew can be repaired till it is known whether this bill will become law. Go to Maidstone. There Unitarian doctrines have been taught during at least seventy years; and seven hundred pounds have recently been laid out by the congregation in repairing the chapel. Go to Exeter. It matters not where you go. But go to Exeter. There Unitarian doctrines have been preached more than eighty years; and two thousand pounds have been laid out on the chapel. It is the same at Coventry, at Bath, at Yarmouth, everywhere. And will a British Parliament rob the possessors of these buildings? I can use no other word. How should we feel if it were proposed to deprive any other class of men of land held during so long a time, and improved at so large a cost? And, if this property should be transferred to those who covet it, what would they gain in comparison with what the present occupants would lose? The pulpit of Priestley, the pulpit of Lardner, are objects of reverence to congregations which hold the tenets of Priestley and Lardner. To the intruders those pulpits will be nothing; nay, worse than nothing; memorials of heresiarchs. Within these chapels and all around them are the tablets which the pious affection of four generations has placed over the remains of dear mothers and sisters, wives and daughters, of eloquent preachers, of learned theological writers. To the Unitarian, the building which contains these memorials is a hallowed building. To the intruder, it is of no more value than any other room in which he can find a bench to sit on and a roof to cover him. If, therefore, we throw out this bill, we do not merely rob one set of people in order to make a present to another set. That would be bad enough. But we

rob the Unitarians of that which they regard as a most precious treasure; of that which is endeared to them by the strongest religious and the strongest domestic associations; of that which cannot be wrenched from them without inflicting on them the bitterest pain and humiliation. To the Trinitarians we give that which can to them be of little or no value except as a trophy of a most inglorious victory won in a most unjust war.

But, Sir, an imputation of fraud has been thrown on the Unitarians; not, indeed, here, but in many other places; and in one place of which I would always wish to speak with respect. The Unitarians, it has been said, knew that the original founders of these chapels were Trinitarians; and to use, for the purpose of propagating Unitarian doctrine, a building erected for the purpose of propagating Trinitarian doctrine was grossly dishonest. One very eminent person [1] has gone so far as to maintain that the Unitarians cannot pretend to any prescription of more than sixty-three years; and he proves his point thus: Till the year 1779, he says, no dissenting teacher was within the protection of the Toleration Act unless he subscribed those articles of the Church of England which affirm the Athanasian doctrine. It is evident that no honest Unitarian can subscribe those articles. The inference is, that the persons who preached in these chapels down to the year 1779 must have been either Trinitarians or rogues. Now, Sir, I believe that they were neither Trinitarians nor rogues; and I cannot help suspecting that the great prelate who brought this charge against them is not so well read in the history of the nonconformist sects as in the history of that Church of which he is an ornament. The truth is that, long before the year 1779, the clause of the Toleration Act which required dissenting ministers to sub-

[1] The Bishop of London.

scribe thirty-five or thirty-six of our thirty-nine articles had almost become obsolete. Indeed, that clause had never been rigidly enforced. From the very first there were some dissenting ministers who refused to subscribe, and yet continued to preach. Calamy was one; and he was not molested. And if this could be done in the year in which the Toleration Act passed, we may easily believe that, at a later period, the law would not have been very strictly observed. New brooms, as the vulgar proverb tells us, sweep clean; and no statute is so rigidly enforced as a statute just made. But, Sir, so long ago as the year 1711, the provisions of the Toleration Act on this subject were modified. In that year the Whigs, in order to humour Lord Nottingham, with whom they had coalesced against Lord Oxford, consented to let the Occasional Conformity Bill pass; but they insisted on inserting in the bill a clause which was meant to propitiate the dissenters. By this clause it was enacted that, if an information were laid against a dissenting minister for having omitted to subscribe the articles, the defendant might, by subscribing at any stage of the proceedings anterior to the judgment, defeat the information, and throw all the costs on the informer. The House will easily believe that, when such was the state of the law, informers were not numerous. Indeed, during the discussions of 1773, it was distinctly affirmed, both in Parliament and in manifestoes put forth by the dissenting body, that the majority of nonconformist ministers then living had never subscribed. All arguments, therefore, grounded on the insincerity which has been rashly imputed to the Unitarians of former generations, fall at once to the ground.

But it is said, the persons who, in the reigns of James the Second, of William the Third, and of Anne, first established these chapels, held the

doctrine of the Trinity; and therefore, when, at a later period, the preachers and congregations departed from the doctrine of the Trinity, they ought to have departed from the chapels too. The honorable and learned gentleman, the Attorney-General, has refuted this argument so ably that he has scarcely left anything for me to say about it. It is well known that the change which, soon after the Revolution, began to take place in the opinions of a section of the old Puritan body, was a gradual, an almost imperceptible, change. The principle of the English Presbyterians was to have no confession of faith and no form of prayer. Their trust deeds contained no accurate theological definitions. Non-subscription was in truth the very bond which held them together. What, then, could be more natural than that, Sunday by Sunday, the sermons should have become less and less like those of the old Calvinistic divines, that the doctrine of the Trinity should have been less and less frequently mentioned, that at last it should have ceased to be mentioned, and that thus in the course of years, preachers and hearers should, by insensible degrees, have become first Arians, then, perhaps, Socinians. I know that this explanation has been treated with disdain by people profoundly ignorant of the history of English nonconformity. I see that my right honorable friend near me [1] does not assent to it Will he permit me to refer him to an analogous case with which he cannot but be well acquainted? No person in the House is more versed than he in the ecclesiastical history of Scotland; and he will, I am sure, admit that some of the doctrines now professed by the Scotch sects which sprang from the secessions of 1733 and 1760 are such as the seceders of 1733 and the seceders of 1760 would have regarded with horror. I have talked with some of the ablest, most

[1] Mr. Fox Maule.

learned, and most pious of the Scotch dissenters of our time; and they all fully admitted that they held more than one opinion which their predecessors would have considered as impious. Take the question of the connection between Church and State. The seceders of 1733 thought that the connection ought to be much closer than it is. They blamed the legislature for tolerating heresy. They maintained that the Solemn League and Covenant was still binding on the kingdom. They considered it as a national sin that the validity of the Solemn League and Covenant was not recognised at the time of the Revolution. When George Whitfield went to Scotland, though they approved of his Calvinistic opinions, and though they justly admired that natural eloquence which he possessed in so wonderful a degree, they would hold no communion with him because he would not subscribe the Solemn League and Covenant. Is that the doctrine of their successors? Are the Scotch dissenters now averse to toleration? Are they not zealous for the voluntary system? Is it not their constant cry that it is not the business of the civil magistrate to encourage any religion, false or true? Does any Bishop now abhor the Solemn League and Covenant more than they? Here is an instance in which numerous congregations have, retaining their identity, passed gradually from one opinion to another opinion. And would it be just, would it be decent in me, to impute dishonesty to them on that account? My right honorable friend may be of opinion that the question touching the connection between the Church and State is not a vital question. But was that the opinion of the divines who drew up the Secession Testimony? He well knows that in their view a man who denied that it was the duty of the government to defend religious truth with the civil sword was as much a heretic as a man who denied the doctrine of the Trinity.

Again, Sir, take the case of the Wesleyan Methodists. They are zealous against this bill. They think it monstrous that a chapel originally built for people holding one set of doctrines should be occupied by people holding a different set of doctrines. I would advise them to consider whether they cannot find in the history of their own body reasons for being a little more indulgent. What were the opinions of that great and good man, their founder, on the question whether men not episcopally ordained could lawfully administer the Eucharist? He told his followers that lay administration was a sin which he never could tolerate. Those were the very words which he used; and I believe that, during his lifetime, the Eucharist never was administered by laymen in any place of worship which was under his control. After his death, however, the feeling in favour of lay administration became strong and general among his disciples. The Conference yielded to that feeling. The consequence is that now, in every chapel which belonged to Wesley, those who glory in the name of Wesleyans commit, every Sacrament Sunday, what Wesley declared to be a sin which he would never tolerate. And yet these very persons are not ashamed to tell us in loud and angry tones that it is fraud, downright fraud, in a congregation which has departed from its original doctrines to retain its original endowments. I believe, Sir, that if you refuse to pass this bill, the Courts of Law will soon have to decide some knotty questions which, as yet, the Methodists little dream of.

It has, I own, given me great pain to observe the unfair and acrimonious manner in which too many of the Protestant nonconformists have opposed this bill. The opposition of the Established Church has been comparatively mild and moderate; and yet from the Established Church we had less right to expect mildness and moderation. It is certainly not right,

but it is very natural, that a church, ancient and richly endowed, closely connected with the Crown and the aristocracy, powerful in parliament, dominant in the universities, should sometimes forget what is due to poorer and humbler Christian societies. But when I hear a cry for what is nothing less than persecution set up by men who have been, over and over again within my own memory, forced to invoke in their own defence the principles of toleration, I cannot but feel astonishment mingled with indignation. And what above all excites both my astonishment and my indignation is this, that the most noisy among the noisy opponents of the bill which we are considering are some sectaries who are at this very moment calling on us to pass another bill of just the same kind for their own benefit. I speak of those Irish Presbyterians who are asking for an *ex post facto* law to confirm their marriages. See how exact the parallel is between the case of those marriages and the case of these chapels. The Irish Presbyterians have gone on marrying according to their own form during a long course of years. The Unitarians have gone on occupying, improving, embellishing certain property during a long course of years. In neither case did any doubt as to the right arise in the most honest, in the most scrupulous mind. At length, about the same time, both the validity of the Presbyterian marriages and the validity of the title by which the Unitarians held their chapels were disputed. The two questions came before the tribunals. The tribunals, with great reluctance, with great pain, pronounced that, neither in the case of the marriages nor in the case of the chapels, can prescription be set up against the letter of the law. In both cases there is a just claim to relief such as the legislature alone can afford. In both the legislature is willing to grant that relief. But this will not satisfy the orthodox Presbyterian. He demands with equal

vehemence two things, that he shall be relieved, and that nobody else shall be relieved. In the same breath he tells us that it would be most iniquitous not to pass a retrospective law for his benefit, and that it would be most iniquitous to pass a retrospective law for the benefit of his fellow sufferers. I never was more amused than by reading, the other day, a speech made by a person of great note among the Irish Presbyterians on the subject of these marriages. "Is it to be endured," he says, "that the mummies of old and forgotten laws are to be dug up and unswathed for the annoyance of dissenters?" And yet a few hours later, this eloquent orator is himself hard at work in digging up and unswathing another set of mummies for the annoyance of another set of dissenters. I should like to know how he and such as he would look if we Churchmen were to assume the same tone towards them which they think it becoming to assume towards the Unitarian body; if we were to say, "You and those whom you would oppress are alike out of our pale. If they are heretics in your opinion, you are schismatics in ours. Since you insist on the letter of the law against them, we will insist on the letter of the law against you. You object to *ex post facto* statutes; and you shall have none. You think it reasonable that men should, in spite of a prescription of eighty or ninety years, be turned out of a chapel built with their own money, and a cemetery where their own kindred lie, because the original title was not strictly legal. We think it equally reasonable that those contracts which you have imagined to be marriages, but which are now adjudged not to be legal marriages, should be treated as nullities." I wish from my soul that some of these orthodox dissenters would recollect that the doctrine which they defend with so much zeal against the Unitarians is not the whole sum and substance of

Christianity, and that there is a text about doing unto others as you would that they should do unto you.

To any intelligent man who has no object except to do justice, the Trinitarian dissenter and the Unitarian dissenter who are now asking us for relief will appear to have exactly the same right to it. There is, however, I must own, one distinction between the two cases. The Trinitarian dissenters are a strong body, and especially strong among the electors of towns. They are of great weight in the State. Some of us may probably, by voting to-night against their wishes, endanger our seats in this House. The Unitarians, on the other hand, are few in number. Their creed is unpopular. Their friendship is likely to injure a public man more than their enmity. If therefore there be among us any person of a nature at once tyrannical and cowardly, any person who delights in persecution, but is restrained by fear from persecuting powerful sects, now is his time. He never can have a better opportunity of gratifying his malevolence without risk of retribution. But, for my part, I long ago espoused the cause of religious liberty, not because that cause was popular, but because it was just; and I am not disposed to abandon the principles to which I have been true through my whole life in deference to a passing clamour. The day may come, and may come soon, when those who are now loudest in raising that clamour may again be, as they have formerly been, suppliants for justice. When that day comes I will try to prevent others from oppressing them, as I now try to prevent them from oppressing others. In the meantime I shall contend against their intolerance with the same spirit with which I may hereafter have to contend for their rights.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 26TH OF FEBRUARY, 1845.

On the 26th of February, 1845, on the question that the order of the day for going into Committee of Ways and Means should be read, Lord John Russell moved the following amendment:

"That it is the opinion of this House that the plan proposed by Her Majesty's Government, in reference to the Sugar Duties, professes to keep up a distinction between foreign free labour sugar and foreign slave labour sugar, which is impracticable and illusory; and, without adequate benefit to the consumer, tends so greatly to impair the revenue as to render the removal of the Income and Property Tax at the end of three years extremely uncertain and improbable."

The amendment was rejected by 236 votes to 142. In the debate the following Speech was made.

SIR, if the question now at issue were merely a financial or a commercial question, I should be unwilling to offer myself to your notice: for I am well aware that there are, both on your right and on your left hand, many gentlemen far more deeply versed in financial and commercial science than myself; and I should think that I discharged my duty better by listening to them than by assuming the office of

a teacher. But, Sir, the question on which we are at issue with Her Majesty's Ministers is neither a financial nor a commercial question. I do not understand it to be disputed that, if we were to pronounce our decision with reference merely to fiscal and mercantile considerations, we should at once adopt the plan recommended by my noble friend. Indeed the right honorable gentleman, the late President of the Board of Trade,[1] has distinctly admitted this. He says that the Ministers of the Crown call upon us to sacrifice great pecuniary advantages and great commercial facilities, for the purpose of maintaining a moral principle. Neither in any former debate nor in the debate of this night has any person ventured to deny that, both as respects the public purse and as respects the interests of trade, the course recommended by my noble friend is preferable to the course recommended by the Government.

The objections to my noble friend's amendment, then, are purely moral objections. We lie, it seems, under a moral obligation to make a distinction between the produce of free labour and the produce of slave labour. Now I should be very unwilling to incur the imputation of being indifferent to moral obligations. I do, however, think that it is in my power to show strong reasons for believing that the moral obligation pleaded by the Ministers has no existence. If there be no such moral obligation, then, as it is conceded on the other side that all fiscal and commercial arguments are on the side of my noble friend, it follows that we ought to adopt his amendment.

The right honorable gentleman, the late President of the Board of Trade, has said that the Government does not pretend to act with perfect consistency as to this distinction between free labour and slave labour. It was, indeed, necessary that he should

[1] Mr. Gladstone.

say this; for the policy of the Government is obviously most inconsistent. Perfect consistency, I admit, we are not to expect in human affairs. But, surely, there is a decent consistency which ought to be observed; and of this the right honorable gentleman himself seems to be sensible; for he asks how, if we admit sugar grown by Brazilian slaves, we can with decency continue to stop Brazilian vessels engaged in the slave trade. This argument, whatever be its value, proceeds on the very correct supposition that the test of sincerity in individuals, in parties, and in governments, is consistency. The right honorable gentleman feels, as we must all feel, that it is impossible to give credit for good faith to a man who on one occasion pleads a scruple of conscience as an excuse for not doing a certain thing, and who on other occasions, where there is no essential difference of circumstances, does that very thing without any scruple at all. I do not wish to use such a word as hypocrisy, or to impute that odious vice to any gentleman on either side of the House. But whoever declares one moment that he feels himself bound by a certain moral rule, and the next moment, in a case strictly similar, acts in direct defiance of that rule, must submit to have, if not his honesty, yet at least his power of discriminating right from wrong very gravely questioned.

Now, Sir, I deny the existence of the moral obligation pleaded by the Government. I deny that we are under any moral obligation to turn our fiscal code into a penal code, for the purpose of correcting vices in the institutions of independent states. I say that, if you suppose such a moral obligation to be in force, the supposition leads to consequences from which every one of us would recoil, to consequences which would throw the whole commercial and political system of the world into confusion. I say that, if such a moral obligation exists, our

financial legislation is one mass of injustice and inhumanity. And I say more especially that, if such a moral obligation exists, the right honorable Baronet's Budget is one mass of injustice and inhumanity.

Observe, I am not disputing the paramount authority of moral obligation. I am not setting up pecuniary considerations against moral considerations. I know that it would be not only a wicked but a short-sighted policy, to aim at making a nation like this great and prosperous by violating the laws of justice. To those laws, enjoin what they may, I am prepared to submit. But I will not palter with them; I will not cite them to-day in order to serve one turn, and quibble them away to-morrow in order to serve another. I will not have two standards of right; one to be applied when I wish to protect a favourite interest at the public cost; and another to be applied when I wish to replenish the Exchequer, and to give an impulse to trade. I will not have two weights or two measures. I will not blow hot and cold, play fast and loose, strain at a gnat and swallow a camel. Can the Government say as much? Are gentlemen opposite prepared to act in conformity with their own principle? They need not look long for opportunities. The Statute Book swarms with enactments directly opposed to the rule which they profess to respect. I will take a single instance from our existing laws, and propound it to the gentlemen opposite as a test, if I must not say of their sincerity, yet of their power of moral discrimination. Take the article of tobacco. Not only do you admit the tobacco of the United States, which is grown by slaves; not only do you admit the tobacco of Cuba which is grown by slaves, and by slaves, as you tell us, recently imported from Africa; but you actually interdict the free labourer of the United Kingdom from growing tobacco. You have long had in your Statute Book laws prohibiting the cultivation of tobacco in

England, and authorising the Government to destroy all tobacco plantations, except a few square yards, which are suffered to exist unmolested in botanical gardens, for purposes of science. These laws did not extend to Ireland. The free peasantry of Ireland began to grow tobacco. The cultivation spread fast. Down came your legislation upon it; and now, if the Irish freeman dares to engage in competition with the slaves of Virginia and Havannah, you Exchequer him; you ruin him; you grub up his plantation. Here, then, we have a test by which we may try the consistency of the gentlemen opposite. I ask you, are you prepared, I do not say to exclude slave grown tobacco, but to take away from slave grown tobacco the monopoly which you now give to it, and to permit the free labourer of the United Kingdom to enter into competition on equal terms, on any terms, with the negro who works under the lash? I am confident that the three right honorable gentlemen opposite, the First Lord of the Treasury, the Chancellor of the Exchequer, and the late President of the Board of Trade, will all with one voice answer "No." And why not? "Because," say they, "it will injure the revenue. True it is," they will say, "that the tobacco imported from abroad is grown by slaves, and by slaves many of whom have been recently carried across the Atlantic, in defiance not only of justice and humanity, but of law and treaty. True it is that the cultivators of the United Kingdom are freemen. But then on the imported tobacco we are able to raise at the Custom House a duty of six hundred per cent., sometimes indeed of twelve hundred per cent.: and, if tobacco were grown here, it would be difficult to get an excise duty of even a hundred per cent. We cannot submit to this loss of revenue; and therefore we must give a monopoly to the slaveholder, and make it penal in the freeman to invade that monopoly."

You may be right; but in the name of common sense, be consistent. If this moral obligation of which you talk so much be one which may with propriety yield to fiscal considerations, let us have Brazilian sugars. If it be paramount to all fiscal considerations, let us at least have British snuff and cigars.

The present Ministers may indeed plead that they are not the authors of the laws which prohibit the cultivation of tobacco in Great Britain and Ireland. That is true. The present Government found those laws in existence: and no doubt there is good sense in the Conservative doctrine that many things which ought not to have been set up ought not, when they have been set up, to be hastily and rudely pulled down. But what will the right honorable Baronet urge in vindication of his own new Budget? He is not content with maintaining laws which he finds already existing in favour of produce grown by slaves. He introduces a crowd of new laws to the same effect. He comes down to the House with a proposition for entirely taking away the duties on the importation of raw cotton. He glories in this scheme. He tells us that it is in strict accordance with the soundest principles of legislation. He tells us that it will be a blessing to the country. I agree with him, and I intend to vote with him. But how is all this cotton grown? Is it not grown by slaves? Again I say, you may be right; but, in the name of common sense, be consistent. I saw, with no small amusement, a few days ago, a paragraph by one of the right honorable Baronet's eulogists, which was to the following effect:—"Thus has this eminent statesman given to the English labourer a large supply of a most important raw material, and has manfully withstood those ravenous Whigs who wished to inundate our country with sugar dyed in negro blood." With what, I should like to know, is the right honorable Baronet's cotton dyed?

Formerly, indeed, an attempt was made to distinguish between the cultivation of cotton and the cultivation of sugar. The cultivation of sugar, it was said, was peculiarly fatal to the health and life of the slave. But that plea, whatever it may have been worth, must now be abandoned; for the right honorable Baronet now proposes to reduce, to a very great extent, the duty on slave grown sugar imported from the United States.

Then, a new distinction is set up. The United States, it is said, have slavery; but they have no slave trade. I deny that assertion. I say that the sugar and cotton of the United States are the fruits, not only of slavery, but of the slave trade. And I say further that, if there be on the surface of this earth a country which, before God and man, is more accountable than any other for the misery and degradation of the African race, that country is not Brazil, the produce of which the right honorable Baronet excludes, but the United States, the produce of which he proposes to admit on more favourable terms than ever. I have no pleasure in going into an argument of this nature. I do not conceive that it is the duty of a member of the English Parliament to discuss abuses which exist in other societies. Such discussion seldom tends to produce any reform of such abuses, and has a direct tendency to wound national pride, and to inflame national animosities. I would willingly avoid this subject: but the right honorable Baronet leaves me no choice. He turns this House into a Court of Judicature for the purpose of criticizing and comparing the institutions of independent States. He tells us that our tariff is to be made an instrument for rewarding the justice and humanity of some Foreign Governments, and for punishing the barbarity of others. He binds up the dearest interests of my constituents with questions with which otherwise I should, as a Member of Parliament, have

nothing to do. I would gladly keep silence on such questions. But it cannot be. The tradesman and the professional men whom I represent say to me, "Why are we to be loaded, certainly for some years, probably for ever, with a tax, admitted by those who impose it to be grievous, unequal, inquisitorial? Why are we to be loaded in time of peace with burdens heretofore reserved for the exigencies of war?" The paper manufacturer, the soap manufacturer, say, "Why, if the Income Tax is to be continued, are our important and suffering branches of industry to have no relief?" And the answer is, "Because Brazil does not behave so well as the United States towards the negro race." Can I then avoid instituting a comparison? Am I not bound to bring to the test the truth of an assertion pregnant with consequences so momentous to those who have sent me hither? I must speak out; and, if what I say gives offence and produces inconvenience, for that offence and for that inconvenience the Government is responsible.

I affirm, then, that there exists in the United States a slave trade, not less odious or demoralising, nay, I do in my conscience believe, more odious and more demoralising than that which is carried on between Africa and Brazil. North Carolina and Virginia are to Louisiana and Alabama what Congo is to Rio Janeiro. The slave States of the Union are divided into two classes, the breeding States, where the human beasts of burden increase and multiply and become strong for labour, and the sugar and cotton States to which those beasts of burden are sent to be worked to death. To what an extent the traffic in man is carried on we may learn by comparing the census of 1830 with the census of 1840. North Carolina and Virginia are, as I have said, great breeding States. During the ten years from 1830 to 1840 the slave population of North Carolina was almost stationary. The slave population of Virginia

positively decreased. Yet, both in North Carolina and Virginia propagation was, during those ten years, going on fast. The number of births among the slaves in those States exceeded by hundreds of thousands the number of the deaths. What then became of the surplus? Look to the returns from the Southern States, from the States whose produce the right honorable Baronet proposes to admit with reduced duty or with no duty at all; and you will see. You will find that the increase in the breeding States was barely sufficient to meet the demand of the consuming States. In Louisiana, for example, where we know that the negro population is worn down by cruel toil, and would not, if left to itself, keep up its numbers, there were, in 1830, one hundred and seven thousand slaves; in 1840, one hundred and seventy thousand. In Alabama, the slave population during those ten years much more than doubled; it rose from one hundred and seventeen thousand to two hundred and fifty-three thousand. In Mississippi it actually tripled. It rose from sixty-five thousand to one hundred and ninety-five thousand. So much for the extent of this slave trade. And as to its nature, ask any Englishman who has ever travelled in the Southern States. Jobbers go about from plantation to plantation looking out for proprietors who are not easy in their circumstances, and who are likely to sell cheap. A black boy is picked up here; a black girl there. The dearest ties of nature and of marriage are torn asunder as rudely as they were ever torn asunder by any slave captain on the coast of Guinea. A gang of three or four hundred negroes is made up; and then these wretches, handcuffed, fettered, guarded by armed men, are driven southward, as you would drive,—or rather as you would not drive,—a herd of oxen to Smithfield, that they may undergo the deadly labour of the sugar mill near the mouth of the Mississippi. A very few years of that labour

in that climate suffice to send the stoutest African to his grave. But he can well be spared. While he is fast sinking into premature old age, negro boys in Virginia are growing up as fast into vigorous manhood to supply the void which cruelty is making in Louisiana. God forbid that I should extenuate the horrors of the slave trade in any form! But I do think this its worst form. Bad enough it is that civilised men should sail to an uncivilised quarter of the world where slavery exists, should there buy wretched barbarians, and should carry them away to labour in a distant land: bad enough! But that a civilised man, a baptized man, a man proud of being a citizen of a free state, a man frequenting a Christian church, should breed slaves for exportation, and, if the whole horrible truth must be told, should even beget slaves for exportation, should see children, sometimes his own children, gambolling around him from infancy, should watch their growth, should become familiar with their faces, and should then sell them for four or five hundred dollars a head, and send them to lead in a remote country a life which is a lingering death, a life about which the best thing that can be said is that it is sure to be short; this does, I own, excite a horror exceeding even the horror excited by that slave trade which is the curse of the African coast. And mark: I am not speaking of any rare case, of any instance of eccentric depravity. I am speaking of a trade as regular as the trade in pigs between Dublin and Liverpool, or as the trade in coals between the Tyne and the Thames.

There is another point to which I must advert. I have no wish to apologise for slavery as it exists in Brazil; but this I say, that slavery, as it exists in Brazil, though a fearful evil, seems to me a much less hopeless evil than slavery as it exists in the United States. In estimating the character of negro slavery we must never forget one most important

ingredient; an ingredient which was wanting to slavery as it was known to the Greeks and Romans; an ingredient which was wanting to slavery as it appeared in Europe during the middle ages; I mean the antipathy of colour. Where this antipathy exists in a high degree, it is difficult to conceive how the white masters and the black labourers can ever be mingled together, as the lords and villeins in many parts of the Old World have been, in one free community. Now this antipathy is notoriously much stronger in the United States than in the Brazils. In the Brazils the free people of colour are numerous. They are not excluded from honourable callings. You may find among them merchants, physicians, lawyers: many of them bear arms; some have been admitted to holy orders. Whoever knows what dignity, what sanctity, the Church of Rome ascribes to the person of a priest, will at once perceive the important consequences which follow from this last circumstance. It is by no means unusual to see a white penitent kneeling before the spiritual tribunal of a negro, confessing his sins to a negro, receiving absolution from a negro. It is by no means unusual to see a negro dispensing the Eucharist to a circle of whites. I need not tell the House what emotions of amazement and of rage such a spectacle would excite in Georgia or South Carolina. Fully admitting, therefore, as I do, that Brazilian slavery is a horrible evil, I yet must say that, if I were called upon to declare whether I think the chances of the African race on the whole better in Brazil or in the United States, I should at once answer that they are better in Brazil. I think it not improbable that in eighty or a hundred years the black population of Brazil may be free and happy. I see no reasonable prospect of such a change in the United States.

The right honorable gentleman, the late President

of the Board of Trade, has said much about that system of maritime police by which we have attempted to sweep slave trading vessels from the great highway of nations. Now what has been the conduct of Brazil, and what has been the conduct of the United States, as respects that system of police? Brazil has come into the system; the United States have thrown every impediment in the way of the system. What opinion Her Majesty's Ministers entertain respecting the Right of Search we know from a letter of my Lord Aberdeen which has, within a few days, been laid on our table. I believe that I state correctly the sense of that letter when I say that the noble Earl regards the Right of Search as an efficacious means, and as the only efficacious means of preventing the maritime slave trade. He expresses most serious doubts whether any substitute can be devised. I think that this check would be a most valuable one, if all nations would submit to it; and I applaud the humanity which has induced successive British administrations to exert themselves for the purpose of obtaining the concurrence of foreign powers in so excellent a plan. Brazil consented to admit the Right of Search; the United States refused, and by refusing deprived the Right of Search of half its value. Not content with refusing to admit the Right of Search, they even disputed the right of visit, a right which no impartial publicist in Europe will deny to be in strict conformity with the Law of Nations. Nor was this all. In every part of the Continent of Europe the diplomatic agents of the Cabinet of Washington have toiled to induce other nations to imitate the example of the United States. You cannot have forgotten General Cass's letter. You cannot have forgotten the terms in which his Government communicated to him its approbation of his conduct. You know as well as I do that, if the United States had sub-

mitted to the Right of Search, there would have been no outcry against that right in France. Nor do I much blame the French. It is but natural that, when one maritime Power makes it a point of honour to refuse us this right, other maritime Powers should think that they cannot, without degradation, take a different course. It is but natural that a Frenchman, proud of his country, should ask why the tricolour is to be less respected than the stars and stripes. The right honorable gentleman says that, if we assent to my noble friend's amendment, we shall no longer be able to maintain the Right of Search. Sir, he need not trouble himself about that right. It is already gone. We have agreed to negotiate on the subject with France. Everybody knows how that negotiation will end. The French flag will be exempted from search: Spain will instantly demand, if she has not already demanded, similar exemption; and you may as well let her have it with a good grace, and without wrangling. For a Right of Search, from which the flags of France and America are exempted, is not worth a dispute. The only system, therefore, which, in the opinion of Her Majesty's Ministers, has yet been found efficacious for the prevention of the maritime slave trade, is in fact abandoned. And who is answerable for this? The United States of America. The chief guilt even of the slave trade between Africa and Brazil lies, not with the Government of Brazil, but with that of the United States. And yet the right honorable Baronet proposes to punish Brazil for the slave trade, and in the same breath proposes to show favour to the United States, because the United States are pure from the crime of slave trading. I thank the right honorable gentleman the late President of the Board of Trade for reminding me of Mr. Calhoun's letter. I could not have wished for a better illustration of my argument. Let anybody

who has read that letter say what is the country which, if we take on ourselves to avenge the wrongs of Africa, ought to be the first object of our indignation. The Government of the United States has placed itself on a bad eminence to which Brazil never aspired, and which Brazil, even if aspiring to it, never could attain. The Government of the United States has formally declared itself the patron, the champion of negro slavery all over the world, the evil genius, the Arimanes of the African race, and seems to take pride in this shameful and odious distinction. I well understand that an American statesman may say, "Slavery is a horrible evil; but we were born to it; we see no way at present to rid ourselves of it: and we must endure it as we best may." Good and enlightened men may hold such language; but such is not the language of the American Cabinet. That Cabinet is actuated by a propagandist spirit, and labours to spread servitude and barbarism with an ardour such as no other Government ever showed in the cause of freedom and civilisation. Nay more; the doctrine held at Washington is that this holy cause sanctifies the most unholy means. These zealots of slavery think themselves justified in snatching away provinces on the right hand and on the left, in defiance of public faith and international law, from neighbouring countries which have free institutions, and this avowedly for the purpose of diffusing over a wider space the greatest curse that afflicts humanity. They put themselves at the head of the slavedriving interest throughout the world, just as Elizabeth put herself at the head of the Protestant interest; and wherever their favourite institution is in danger, are ready to stand by it as Elizabeth stood by the Dutch. This, then, I hold to be demonstrated, that of all societies now existing, the Republic of the United

States is by far the most culpable as respects slavery and the slave trade.

Now then I come to the right honorable Baronet's Budget. He tells us, that he will not admit Brazilian sugar, because the Brazilian Government tolerates slavery and connives at the slave trade; and he tells us at the same time, that he will admit the slave grown cotton and the slave grown sugar of the United States. I am utterly at a loss to understand how he can vindicate his consistency. He tells us that if we adopt my noble friend's proposition, we shall give a stimulus to the slave trade between Africa and Brazil. Be it so. But is it not equally clear that, if we adopt the right honorable Baronet's own propositions, we shall give a stimulus to the slave trade between Virginia and Louisiana? I have not the least doubt that, as soon as the contents of his Budget are known on the other side of the Atlantic, the slave trade will become more active than it is at this moment; that the jobbers in human flesh and blood will be more busy than ever; that the droves of manacled negroes, moving southward to their doom, will be more numerous on every road. These will be the fruits of the right honorable Baronet's measure. Yet he tells us that this part of his Budget is framed on sound principles, and will greatly benefit the country; and he tells us truth. I mean to vote with him; and I can perfectly, on my own principles, reconcile to my conscience the vote which I shall give. How the right honorable Baronet can reconcile the course which he takes to his conscience, I am at a loss to conceive, and am not a little curious to know. No man is more capable than he of doing justice to any cause which he undertakes: and it would be most presumptuous in me to anticipate the defence which he means to set up. But I hope that the House will

suffer me, as one who feels deeply on this subject, now to explain the reasons which convince me that I ought to vote for the right honorable Baronet's propositions respecting the produce of the United States. In explaining those reasons, I at the same time explain the reasons which induce me to vote with my noble friend to-night.

I say then, Sir, that I fully admit the paramount authority of moral obligations. But it is important that we should accurately understand the nature and extent of those obligations. We are clearly bound to wrong no man. Nay, more, we are bound to regard all men with benevolence. But to every individual, and to every society, Providence has assigned a sphere within which benevolence ought to be peculiarly active; and if an individual or a society neglects what lies within that sphere in order to attend to what lies without, the result is likely to be harm and not good.

It is thus in private life. We should not be justified in injuring a stranger in order to benefit ourselves or those who are dearest to us. Every stranger is entitled, by the laws of humanity, to claim from us certain reasonable good offices. But it is not true that we are bound to exert ourselves to serve a mere stranger as we are bound to exert ourselves to serve our own relations. A man would not be justified in subjecting his wife and children to disagreeable privations in order to save even from utter ruin some foreigner whom he never saw. And if a man were so absurd and perverse as to starve his own family in order to relieve people with whom he had no acquaintance, there can be little doubt that his crazy charity would produce much more misery than happiness.

It is the same with nations. No statesman ought to injure other countries in order to benefit his own country. No statesman ought to lose any

fair opportunity of rendering to foreign nations such good offices as he can render without a breach of the duty which he owes to the society of which he is a member. But, after all, our country is our country, and has the first claim on our attention. There is nothing, I conceive, of narrow-mindedness in this patriotism. I do not say that we ought to prefer the happiness of one particular society to the happiness of mankind; but I say that, by exerting ourselves to promote the happiness of the society with which we are most nearly connected, and with which we are best acquainted, we shall do more to promote the happiness of mankind than by busying ourselves about matters which we do not fully understand, and cannot efficiently control.

There are great evils connected with the factory system in this country. Some of those evils might, I am inclined to think, be removed or mitigated by legislation. On that point many of my friends differ from me; but we all agree in thinking that it is the duty of a British Legislator to consider the subject attentively, and with a serious sense of responsibility. There are also great social evils in Russia. The peasants of that empire are in a state of servitude. The sovereign of Russia is bound by the most solemn obligations to consider whether he can do anything to improve the condition of that large portion of his subjects. If we watch over our factory children, and he watches over his peasants, much good may be done. But would any good be done if the Emperor of Russia and the British Parliament were to interchange functions; if he were to take under his patronage the weavers of Lancashire, if we were to take under our patronage the peasants of the Volga; if he were to say, "You shall send no cotton to Russia till you pass a Ten Hours' Bill;" if we were to say, "You shall send no hemp or tallow to England till you emancipate your serfs?"

On these principles, Sir, which seem to me to be the principles of plain common sense, I can, without resorting to any casuistical subtilties, vindicate to my own conscience, and, I hope, to my country, the whole course which I have pursued with respect to slavery. When I first came into Parliament, slavery still existed in the British dominions. I had, as it was natural that I should have, a strong feeling on the subject. I exerted myself, according to my station and to the measure of my abilities, on the side of the oppressed. I shrank from no personal sacrifice in that cause. I do not mention this as matter of boast. It was no more than my duty. The right honorable gentleman, the Secretary of State for the Home Department, knows that, in 1833, I disapproved of one part of the measure which Lord Grey's government proposed on the subject of slavery. I was in office; and office was then as important to me as it could be to any man. I put my resignation into the hands of Lord Spencer, and both spoke and voted against the Administration. To my surprise, Lord Grey and Lord Spencer refused to accept my resignation, and I remained in office; but during some days I considered myself as out of the service of the Crown. I at the same time heartily joined in laying a heavy burden on the country for the purpose of compensating the planters. I acted thus, because, being a British Legislator, I thought myself bound, at any cost to myself and to my constituents, to remove a foul stain from the British laws, and to redress the wrongs endured by persons who, as British subjects, were placed under my guardianship. But my especial obligations in respect of negro slavery ceased when slavery itself ceased in that part of the world for the welfare of which I, as a Member of this House, was accountable. As for the blacks in the United States, I feel for them, God knows. But I am not their keeper.

I do not stand in the same relation to the slaves of Louisiana and Alabama in which I formerly stood to the slaves of Demerara and Jamaica. I am bound, on the other hand, by the most solemn obligations, to promote the interests of millions of my own countrymen, who are indeed by no means in a state so miserable and degraded as that of the slaves in the United States, but who are toiling hard from sunrise to sunset in order to obtain a scanty subsistence; who are often scarcely able to procure the necessaries of life; and whose lot would be alleviated if I could open new markets to them, and free them from taxes which now press heavily on their industry. I see clearly that, by excluding the produce of slave labour from our ports, I should inflict great evil on my fellow subjects and constituents. But the good which, by taking such a course, I should do to the negroes in the United States seems to me very problematical. That by admitting slave grown cotton and slave grown sugar we do, in some sense, encourage slavery and the Slave Trade, may be true. But I doubt whether, by turning our fiscal code into a penal code for restraining the cruelty of the American planters, we should not, on the whole, injure the negroes rather than benefit them. No independent nation will endure to be told by another nation, "We are more virtuous than you; we have sate in judgment on your institutions; we find them to be bad; and, as a punishment for your offences, we condemn you to pay higher duties at our Custom House than we demand from the rest of the world." Such language naturally excites the resentment of foreigners. I can make allowance for their susceptibility. For I myself sympathise with them. I know that Ireland has been misgoverned; and I have done, and purpose to do, my best to redress her grievances. But when I take up a New York journal, and read there the

rants of President Tyler's son, I feel so much disgusted by such insolent absurdity that I am for a moment inclined to deny that Ireland has any reason whatever to complain. It seems to me that, if ever slavery is peaceably extinguished in the United States, that great and happy change must be brought about by the efforts of those enlightened and respectable American citizens who hate slavery as much as we hate it. Now I cannot help fearing that, if the British Parliament were to proclaim itself the protector and avenger of the American slave, the pride of those excellent persons would take the alarm. It might become a point of national honour with them to stand by an institution which they have hitherto regarded as a national disgrace. We should thus confer no benefit on the negro; and we should at the same time inflict cruel suffering on our own countrymen.

On these grounds, Sir, I can, with a clear conscience, vote for the right honorable Baronet's propositions respecting the cotton and sugar of the United States. But on exactly the same grounds I can, with a clear conscience, vote for the amendment of my noble friend. And I confess that I shall be much surprised if the right honorable Baronet shall be able to point out any distinction between the cases.

I have detained you too long, Sir: yet there is one point to which I must refer; I mean the refining. Was such a distinction ever heard of? Is there anything like it in all Pascal's Dialogues with the old Jesuit? Not for the world are we to eat one ounce of Brazilian sugar. But we import the accursed thing; we bond it; we employ our skill and machinery to render it more alluring to the eye and to the palate; we export it to Leghorn and Hamburg; we send it to all the coffee houses of Italy and Germany; we pocket a profit on all this;

and then we put on a Pharisaical air, and thank God that we are not like those wicked Italians and Germans who have no scruple about swallowing slave grown sugar. Surely this sophistry is worthy only of the worst class of false witnesses. "I perjure myself! Not for the world. I only kissed my thumb; I did not put my lips to the calf-skin." I remember something very like the right honorable Baronet's morality in a Spanish novel which I read long ago. I beg pardon of the House for detaining them with such a trifle; but the story is much to the purpose. A wandering lad, a sort of Gil Blas, is taken into the service of a rich old silversmith, a most pious man, who is always telling his beads, who hears mass daily, and observes the feasts and fasts of the church with the utmost scrupulosity. The silversmith is always preaching honesty and piety. "Never," he constantly repeats to his young assistant, "never touch what is not your own; never take liberties with sacred things." Sacrilege, as uniting theft with profaneness, is the sin of which he has the deepest horror. One day, while he is lecturing after his usual fashion, an ill-looking fellow comes into the shop with a sack under his arm. "Will you buy these?" says the visitor, and produces from the sack some church plate and a rich silver crucifix. "Buy them!" cries the pious man. "No, nor touch them; not for the world. I know where you got them. Wretch that you are, have you no care for your soul?" "Well, then," says the thief, "if you will not buy them, will you melt them down for me?" "Melt them down!" answers the silversmith, "that is quite another matter." He takes the chalices and the crucifix with a pair of tongs; the silver, thus in bond, is dropped into the crucible, melted, and delivered to the thief, who lays down five pistoles and decamps with his booty. The young servant stares at this strange scene. But

the master very gravely resumes his lecture. "My son," he says, "take warning by that sacrilegious knave, and take example by me. Think what a load of guilt lies on his conscience. You will see him hanged before long. But as to me, you saw that I would not touch the stolen property. I keep these tongs for such occasions. And thus I thrive in the fear of God, and manage to turn an honest penny." You talk of morality. What can be more immoral than to bring ridicule on the very name of morality, by drawing distinctions where there are no differences? Is it not enough that this dishonest casuistry has already poisoned our theology? Is it not enough that a set of quibbles has been devised, under cover of which a divine may hold the worst doctrines of the Church of Rome, and may hold with them the best benefice of the Church of England? Let us at least keep the debates of this House free from the sophistry of Tract Number Ninety.

And then the right honorable gentleman, the late President of the Board of Trade, wonders that other nations consider our abhorrence of slavery and the Slave Trade as sheer hypocrisy. Why, Sir, how should it be otherwise? And, if the imputation annoys us, whom have we to thank for it? Numerous and malevolent as our detractors are, none of them was ever so absurd as to charge us with hypocrisy because we took slave grown tobacco and slave grown cotton, till the Government began to affect scruples about admitting slave grown sugar. Of course, as soon as our Ministers ostentatiously announced to all the world that our fiscal system was framed on a new and sublime moral principle, everybody began to inquire whether we consistently adhered to that principle. It required much less acuteness and much less malevolence than that of our neighbours to discover that this hatred of slave grown produce was mere grimace. They see that we not only take

tobacco produced by means of slavery and of the Slave Trade, but that we positively interdict freemen in this country from growing tobacco. They see that we not only take cotton produced by means of slavery and of the Slave Trade, but that we are about to exempt this cotton from all duty. They see that we are at this moment reducing the duty on the slave grown sugar of Louisiana. How can we expect them to believe that it is from a sense of justice and humanity that we lay a prohibitory duty on the sugar of Brazil? I care little for the abuse which any foreign press or any foreign tribune may throw on the Machiavellian policy of perfidious Albion. What gives me pain is, not that the charge of hypocrisy is made, but that I am unable to see how it is to be refuted.

Yet one word more. The right honorable gentleman, the late President of the Board of Trade, has quoted the opinions of two persons, highly distinguished by the exertions which they made for the abolition of slavery, my lamented friend, Sir Thomas Fowell Buxton, and Dr. Lushington. It is most true that those eminent persons did approve of the principle laid down by the honorable Baronet opposite in 1841. I think that they were in error; but in their error I am sure that they were sincere, and I firmly believe that they would have been consistent. They would have objected, no doubt, to my noble friend's amendment; but they would have objected equally to the right honorable Baronet's budget. It was not prudent, I think, in gentlemen opposite to allude to those respectable names. The mention of those names irresistibly carries the mind back to the days of the great struggle for negro freedom. And it is but natural that we should ask where, during that struggle, were those who now profess such loathing for slave grown sugar? The three persons who are chiefly responsible for the financial and commercial

policy of the present Government I take to be the right honorable Baronet at the head of the Treasury, the right honorable gentleman the Chancellor of the Exchequer, and the right honorable gentleman the late President of the Board of Trade. Is there anything in the past conduct of any one of the three which can lead me to believe that his sensibility to the evils of slavery is greater than mine? I am sure that the right honorable Baronet the First Lord of the Treasury would think that I was speaking ironically if I were to compliment him on his zeal for the liberty of the negro race. Never once, during the whole of the long and obstinate conflict which ended in the abolition of slavery in our colonies, did he give one word, one sign, of encouragement to those who suffered and laboured for the good cause. The whole weight of his great abilities and influence was in the other scale. I well remember that, so late as 1833, he declared in this House that he could give his assent neither to the plan of immediate emancipation proposed by my noble friend who now represents Sunderland,[1] nor to the plan of gradual emancipation proposed by Lord Grey's Government. I well remember that he said, "I shall claim no credit hereafter on account of this bill: all that I desire is to be absolved from the responsibility." As to the other two right honorable gentlemen whom I have mentioned, they are West Indians; and their conduct was that of West Indians. I do not wish to give them pain, or to throw any disgraceful imputation on them. Personally I regard them with feelings of goodwill and respect. I do not question their sincerity; but I know that the most honest men are but too prone to deceive themselves into the belief that the path towards which they are impelled by their own interests and passions is the path of duty. I am

[1] Lord Howick.

conscious that this might be my own case; and I believe it to be theirs. As the right honorable gentleman, the Chancellor of the Exchequer, has left the House, I will only say that, with respect to the question of slavery, he acted after the fashion of the class to which he belonged. But as the right honorable gentleman, the late President of the Board of Trade, is in his place, he must allow me to bring to his recollection the part which he took in the debates of 1833. He then said, "You raise a great clamour about the cultivation of sugar. You say that it is a species of industry fatal to the health and life of the slave. I do not deny that there is some difference between the labour of a sugar plantation and the labour of a cotton plantation, or a coffee plantation. But the difference is not so great as you think. In marshy soils, the slaves who cultivate the sugar cane suffer severely. But in Barbadoes, where the air is good, they thrive and multiply." He proceeded to say that, even at the worst, the labour of a sugar plantation was not more unhealthy than some kinds of labour in which the manufacturers of England are employed, and which nobody thinks of prohibiting. He particularly mentioned grinding. "See how grinding destroys the health, the sight, the life. Yet there is no outcry against grinding." He went on to say that the whole question ought to be left by Parliament to the West Indian Legislatures. [Mr. *Gladstone:* Really I never said so. You are not quoting me at all correctly.] What, not about the sugar cultivation and the grinding? [Mr. *Gladstone:* That is correct; but I never recommended that the question should be left to the West Indian Legislatures.] I have quoted correctly. But since my right honorable friend disclaims the sentiment imputed to him by the reporters, I shall say no more about it. I have no doubt that he is quite right, and that what he

said was misunderstood. What is undisputed is amply sufficient for my purpose. I see that the persons who now show so much zeal against slavery in foreign countries, are the same persons who formerly countenanced slavery in the British Colonies. I remember a time when they maintained that we we were bound in justice to protect slave grown sugar against the competition of free grown sugar, and even of British free grown sugar. I now hear them calling on us to protect free grown sugar against the competition of slave grown sugar. I remember a time when they extenuated as much as they could the evils of the sugar cultivation. I now hear them exaggerating those evils. But, devious as their course has been, there is one clue by which I can easily track them through the whole maze. Inconstant in everything else, they are constant in demanding protection for the West Indian planter. While he employs slaves, they do their best to apologize for the evils of slavery. As soon as he is forced to employ freemen, they begin to cry up the blessings of freedom. They go round the whole compass, and yet to one point they stedfastly adhere; and that point is the interest of the West Indian proprietors. I have done, Sir; and I thank the House most sincerely for the patience and indulgence with which I have been heard. I hope that I have at least vindicated my own consistency. How Her Majesty's Ministers will vindicate their consistency, how they will show that their conduct has at all times been guided by the same principles, or even that their conduct at the present time is guided by any fixed principle at all, I am unable to conjecture.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 14TH OF APRIL, 1845.

On Saturday the eleventh of April, 1845, Sir Robert Peel moved the second reading of the Maynooth College Bill. After a debate of six nights the motion was carried by 323 votes to 176. On the second night the following Speech was made.

I DO not mean, Sir, to follow the honorable gentleman who has just sate down into a discussion on an amendment which is not now before us. When my honorable friend the Member for Sheffield shall think it expedient to make a motion on that important subject to which he has repeatedly called the attention of the House, I may, perhaps, ask to be heard. At present I shall content myself with explaining the reasons which convince me that it is my duty to vote for the second reading of this bill; and I cannot, I think, better explain those reasons than by passing in review, as rapidly as I can, the chief objections which have been made to the bill here and elsewhere.

The objectors, Sir, may be divided into three classes. The first class consists of those persons who object, not to the principle of the grant to Maynooth College, but merely to the amount. The second class consists of persons who object on principle to all grants made to a church which they regard as cor-

rupt. The third class consists of persons who object on principle to all grants made to churches, whether corrupt or pure.

Now, Sir, of these three classes, the first is evidently that which takes the most untenable ground. How any person can think that Maynooth College ought to be supported by public money, and yet can think this bill too bad to be suffered to go into Committee, I do not well understand. I am forced however to believe that there are many such persons. For I cannot but remember that the old annual vote attracted scarcely any notice; and I see that this bill has produced violent excitement. I cannot but remember that the old annual vote used to pass with very few dissentients; and I see that great numbers of gentlemen, who never were among those dissentients, have crowded down to the House in order to divide against this bill. It is indeed certain that a large proportion, I believe a majority, of those members who cannot, as they assure us, conscientiously support the plan proposed by the right honorable Baronet at the head of the Government, would without the smallest scruple have supported him if he had in this, as in former years, asked us to give nine thousand pounds for twelve months. So it is: yet I cannot help wondering that it should be so. For how can any human ingenuity turn a question between nine thousand pounds and twenty-six thousand pounds, or between twelve months and an indefinite number of months, into a question of principle? Observe: I am not now answering those who maintain that nothing ought to be given out of the public purse to a corrupt church; nor am I now answering those who maintain that nothing ought to be given out of the public purse to any church whatever. They, I admit, oppose this bill on principle. I perfectly understand, though I do not myself hold, the opinion of the zealous voluntary who says,

"Whether the Roman Catholic Church teaches truth or error, she ought to have no assistance from the State." I also perfectly understand, though I do not myself hold, the opinion of the zealous Protestant who says, "The Roman Catholic Church teaches error, and therefore ought to have no assistance from the State." But I cannot understand the reasoning of the man who says, "In spite of the errors of the Roman Catholic Church, I think that she ought to have some assistance from the State; but I am bound to mark my abhorrence of her errors by doling out to her a miserable pittance. Her tenets are so absurd and noxious that I will pay the professor who teaches them wages less than I should offer to my groom. Her rites are so superstitious that I will take care that they shall be performed in a chapel with a leaky roof and a dirty floor. By all means let us keep her a college, provided only that it be a shabby one. Let us support those who are intended to teach her doctrines and to administer her sacraments to the next generation, provided only that every future priest shall cost us less than a foot soldier. Let us board her young theologians; but let their larder be so scantily supplied that they may be compelled to break up before the regular vacation from mere want of food. Let us lodge them; but let their lodging be one in which they may be packed like pigs in a stye, and be punished for their heterodoxy by feeling the snow and the wind through the broken panes." Is it possible to conceive anything more absurd or more disgraceful? Can anything be clearer than this, that whatever it is lawful to do it is lawful to do well? If it be right that we should keep up this college at all, it must be right that we should keep it up respectably. Our national dignity is concerned. For this institution, whether good or bad, is, beyond all dispute, a very important institution. Its office is to form the character of those who

are to form the character of millions. Whether we ought to extend any patronage to such an institution is a question about which wise and honest men may differ. But that, if we do extend our patronage to such an institution, our patronage ought to be worthy of the object, and worthy of the greatness of our country, is a proposition from which I am astonished to hear any person dissent.

It is, I must say, with a peculiarly bad grace that one of the members for the University to which I have the honour to belong,[1] a gentleman who never thought himself bound to say a word or to give a vote against the grant of nine thousand pounds, now vehemently opposes the grant of twenty-six thousand pounds as exorbitant. When I consider how munificently the colleges of Cambridge and Oxford are endowed, and with what pomp religion and learning are there surrounded; when I call to mind the long streets of palaces, the towers and oriels, the venerable cloisters, the trim gardens, the organs, the altar-pieces, the solemn light of the stained windows, the libraries, the museums, the galleries of painting and sculpture; when I call to mind also the physical comforts which are provided both for instructors and for pupils; when I reflect that the very sizars and servitors are far better lodged and fed than those students who are to be, a few years hence, the priests and bishops of the Irish people; when I think of the spacious and stately mansions of the heads of houses, of the commodious chambers of the fellows and scholars, of the refectories, the combination rooms, the bowling greens, the stabling, of the state and luxury of the great feast days, of the piles of old plate on the tables, of the savoury steam of the kitchens, of the multitudes of geese and capons which turn at once on the spits, of the oceans of excellent ale in the but-

[1] The Honorable Charles Law, Member for the University of Cambridge

teries; and when I remember from whom all this splendour and plenty is derived; when I remember what was the faith of Edward the Third and of Henry the Sixth, of Margaret of Anjou and Margaret of Richmond, of William of Wykeham and William of Waynefleet, of Archbishop Chicheley and Cardinal Wolsey; when I remember what we have taken from the Roman Catholics, King's College, New College, Christ Church, my own Trinity; and when I look at the miserable Dotheboys Hall which we have given them in exchange, I feel, I must own, less proud than I could wish of being a Protestant and a Cambridge man.

Some gentlemen, it is true, have made an attempt to show that there is a distinction of principle between the old grant which they have always supported and the larger grant which they are determined to oppose. But never was attempt more unsuccessful. They say that, at the time of the Union, we entered into an implied contract with Ireland to keep up this college. We are therefore, they argue, bound by public faith to continue the old grant; but we are not bound to make any addition to that grant. Now, Sir, on this point, though on no other, I do most cordially agree with those petitioners who have, on this occasion, covered your table with such huge bales of spoiled paper and parchment. I deny the existence of any such contract. I think myself perfectly free to vote for the abolition of this college, if I am satisfied that it is a pernicious institution; as free as I am to vote against any item of the ordnance estimates; as free as I am to vote for a reduction of the number of marines. It is strange, too, that those who appeal to this imaginary contract should not perceive that, even if their fiction be admitted as true, it will by no means get them out of their difficulty. Tell us plainly what are the precise terms of the contract which you suppose Great Britain to have made with Ireland about this college. Whatever the terms be, they will not

serve your purpose. Was the contract this, that the Imperial Parliament would do for the college what the Irish Parliament had been used to do? Or was the contract this, that the Imperial Parliament would keep the college in a respectable and efficient state? If the former was the contract, nine thousand pounds would be too much. If the latter was the contract, you will not, I am confident, be able to prove that twenty-six thousand pounds is too little.

I have now, I think, said quite as much as need be said in answer to those who maintain that we ought to give support to this college, but that the support ought to be niggardly and precaricus. I now come to another and a much more formidable class of objectors. Their objections may be simply stated thus. No man can justifiably, either as an individual or as a trustee for the public, contribute to the dissemination of religious error. But the Church of Rome teaches religious error. Therefore we cannot justifiably contribute to the support of an institution of which the object is the dissemination of the doctrines of the Church of Rome. Now, Sir, I deny the major of this syllogism. I think that there are occasions on which we are bound to contribute to the dissemination of doctrines with which errors are inseparably intermingled. Let me be clearly understood. The question is not whether we should teach truth or teach error, but whether we should teach truth adulterated with error, or teach no truth at all. The constitution of the human mind is such that it is impossible to provide any machinery for the dissemination of truth which shall not, with the truth, disseminate some error. Even those rays which come down to us from the great source of light, pure as they are in themselves, no sooner enter that gross and dark atmosphere in which we dwell than they are so much refracted, discoloured and obscured, that they too often

lead us astray. It will be generally admitted that, if religious truth can be anywhere found untainted by error, it is in the Scriptures. Yet is there actually on the face of the globe a single copy of the Scriptures of which it can be said that it contains truth absolutely untainted with error? Is there any manuscript, any edition of the Old or New Testament in the original tongues, which any scholar will pronounce faultless? But to the vast majority of Christians the original tongues are and always must be unintelligible, With the exception of perhaps one man in ten thousand, we must be content with translations. And is there any translation in which there are not numerous mistakes? Are there not numerous mistakes even in our own authorised version, executed as that version was with painful diligence and care, by very able men, and under very splendid patronage? Of course mistakes must be still more numerous in those translations which pious men have lately made into Bengalee, Hindostanee, Tamul, Canarese, and other Oriental tongues. I admire the zeal, the industry, the energy of those who, in spite of difficulties which to ordinary minds would seem insurmountable, accomplished that arduous work. I applaud those benevolent societies which munificently encouraged that work. But I have been assured by good judges that the translations have many faults. And how should it have been otherwise? How should an Englishman produce a faultless translation from the Hebrew into the Cingalese? I say, therefore, that even the Scriptures, in every form in which men actually possess them, contain a certain portion of error. And, if this be so, how can you look for pure, undefecated truth in any other composition? You contribute, without any scruple, to the printing of religious tracts, to the establishing of Sunday Schools, to the sending forth of missionaries. But are your tracts perfect?

Are your schoolmasters infallible? Are your missionaries inspired? Look at the two churches which are established in this island. Will you say that they both teach truth without any mixture of error? That is impossible. For they teach different doctrines on more than one important subject. It is plain, therefore, that if, as you tell us, it be a sin in a state to patronise an institution which teaches religious error, either the Church of England or the Church of Scotland ought to be abolished. But will anybody even venture to affirm that either of those churches teaches truth without any mixture of error? Have there not long been in Scotland two different schools of theology? During many years, Dr. Robertson, the head of the moderate party, and Dr. Erskine, the head of the Calvinistic party, preached under the same roof, one in the morning, the other in the evening. They preached two different religions, so different that the followers of Robertson thought the followers of Erskine fanatics, and the followers of Erskine thought the followers of Robertson Arians or worse. And is there no mixture of error in the doctrine taught by the clergy of the Church of England? Is not the whole country at this moment convulsed by disputes as to what the doctrine of the Church on some important subjects really is? I shall not take on myself to say who is right and who is wrong. But this I say with confidence, that, whether the Tractarians or the Evangelicals be in the right, many hundreds of those divines who every Sunday occupy the pulpits of our parish churches must be very much in the wrong.

Now, Sir, I see that many highly respectable persons, who think it a sin to contribute to the teaching of error at Maynooth College, think it not merely lawful, but a sacred duty, to contribute to the teaching of error in the other cases which I have mentioned. They know that our version of the

Bible contains some error. Yet they subscribe to the Bible Society. They know that the Serampore translations contain a still greater quantity of error. Yet they give largely towards the printing and circulating of those translations. My honorable friend the Member for the University of Oxford will not deny that there is among the clergy of the Church of England a Puritan party, and also an Antipuritan party, and that one of these parties must teach some error. Yet he is constantly urging us to grant to this Church an additional endowment of I know not how many hundreds of thousands of pounds. He would doubtless defend himself by saying that nothing on earth is perfect; that the purest religious society must consist of human beings, and must have those defects which arise from human infirmities; and that the truths held by the established clergy, though not altogether unalloyed with error, are so precious, that it is better that they should be imparted to the people with the alloy than that they should not be imparted at all. Just so say I. I am sorry that we cannot teach pure truth to the Irish people. But I think it better that they should have important and salutary truth, polluted by some error, than that they should remain altogether uninstructed. I heartily wish that they were Protestants. But I had rather that they should be Roman Catholics than that they should have no religion at all. Would you, says one gentleman, teach the people to worship Juggernaut or Kalee? Certainly not. My argument leads to no such conclusion. The worship of Juggernaut and Kalee is a curse to mankind. It is much better that people should be without any religion than that they should believe in a religion which enjoins prostitution, suicide, robbery, assassination. But will any Protestant deny that it is better that the Irish should be Roman Catholics than that they should live and die like the beasts of the

field, indulge their appetites without any religious restraint, suffer want and calamity without any religious consolation, and go to their graves without any religious hope? These considerations entirely satisfy my mind. Of course I would not propagate error for its own sake. To do so would be not merely wicked, but diabolical. But, in order that I may be able to propagate truth, I consent to propagate that portion of error which adheres to truth, and which cannot be separated from truth. I wish Christianity to have a great influence on the peasantry of Ireland. I see no probability that Christianity will have that influence except in one form. That form I consider as very corrupt. Nevertheless, the good seems to me greatly to predominate over the evil; and therefore, being unable to get the good alone, I am content to take the good and the evil together.

I now come to the third class of our opponents. I mean those who take their stand on the voluntary principle. I will not, on this occasion, inquire whether they are right in thinking that governments ought not to contribute to the support of any religion, true or false. For it seems to me that, even if I were to admit that the general rule is correctly laid down by them, the present case would be an exception to that rule. The question on which I am about to vote is not whether the State shall or shall not give any support to religion in Ireland. The State does give such support, and will continue to give such support, whatever may be the issue of this debate. The only point which we have now to decide is whether, while such support is given, it shall be given exclusively to the religion of the minority. Here is an island with a population of near eight millions, and with a wealthy established church, the members of which are little more than eight hundred thousand. There is an archbishop

with ten thousand a year. If I recollect rightly, seventy thousand pounds are divided among twelve prelates. At the same time the Protestant dissenters in the north of Ireland receive, in another form, support from the State. But the great majority of the population, the poorest part of the population, the part of the population which is most in need of assistance, the part of the population which holds that faith for the propagation of which the tithes were originally set apart, and the church lands originally given, is left to maintain its own priests. Now is not this a case which stands quite by itself? And may not even those who hold the general proposition, that every man ought to pay his own spiritual pastor, yet vote, without any inconsistency, for this bill? I was astonished to hear the honorable Member for Shrewsbury [1] tell us that, if we make this grant, it will be impossible for us to resist the claims of any dissenting sect. He particularly mentioned the Wesleyan Methodists. Are the cases analogous? Is there the slightest resemblance between them? Let the honorable gentleman show me that of the sixteen millions of people who inhabit England thirteen millions are Wesleyan Methodists. Let him show me that the members of the Established Church in England are only one tenth of the population. Let him show me that English dissenters who are not Wesleyan Methodists receive a Regium Donum. Let him show me that immense estates bequeathed to John Wesley for the propagation of Methodism have, by Act of Parliament, been taken from the Methodists and given to the Church. If he can show me this, I promise him that, whenever the Wesleyan Methodists shall ask for twenty-six thousand pounds a year to educate their ministers, I shall be prepared to grant their request. But neither the case of the Methodists, nor any other case which can be men-

[1] Mr. Disraeli.

tioned, resembles the case with which we have to do. Look round Europe, round the world, for a parallel; and you will look in vain. Indeed the state of things which exists in Ireland never could have existed had not Ireland been closely connected with a country, which possessed a great superiority of power, and which abused that superiority. The burden which we are now, I hope, about to lay on ourselves is but a small penalty for a great injustice. Were I a staunch voluntary, I should feel that, while the church of eight hundred thousand people retains its great endowments, I should not be justified in refusing this small boon to the church of eight millions.

To sum up shortly what I have said; it is clear to me in the first place that, if we have no religious scruple about granting to this College nine thousand pounds for one year, we ought to have no religious scruple about granting twenty-six thousand pounds a year for an indefinite term.

Secondly, it seems to me that those persons who tell us that we ought never in any circumstances to contribute to the propagation of error do in fact lay down a rule which would altogether interdict the propagation of truth.

Thirdly, it seems to me that, even on the hypothesis that the voluntary principle is the sound principle, the present case is an excepted case, to which it would be unjust and unwise to apply that principle.

So much, Sir, as to this bill: and now let me add a few words about those by whom it has been framed and introduced. We were exhorted, on the first night of this debate, to vote against the bill, without inquiring into its merits, on the ground that, good or bad, it was proposed by men who could not honestly and honorably propose it. A similar appeal has been made to us this evening. In these circumstances, Sir, I must, not I hope from party spirit, not,

I am sure, from personal animosity, but from a regard for the public interest, which must be injuriously affected by everything which tends to lower the character of public men, say plainly what I think of the conduct of Her Majesty's Ministers. Undoubtedly it is of the highest importance that we should legislate well. But it is also of the highest importance that those who govern us should have, and should be known to have, fixed principles, and should be guided by those principles both in office and in opposition. It is of the highest importance that the world should not be under the impression that a statesman is a person who, when he is out, will profess and promise anything in order to get in, and who, when he is in, will forget all that he professed and promised when he was out. I need not, I suppose, waste time in proving that a law may be in itself an exceedingly good law, and yet that it may be a law which, when viewed in connection with the former conduct of those who proposed it, may prove them to be undeserving of the confidence of their country. When this is the case, our course is clear. We ought to distinguish between the law and its authors. The law we ought, on account of its intrinsic merits, to support. Of the authors of the law, it may be our duty to speak in terms of censure.

In such terms I feel it to be my duty to speak of Her Majesty's present advisers. I have no personal hostility to any of them; and that political hostility which I do not disavow has never prevented me from doing justice to their abilities and virtues. I have always admitted, and I now most willingly admit, that the right honorable Baronet at the head of the Government possesses many of the qualities of an excellent minister, eminent talents for debate, eminent talents for business, great experience, great information, great skill in the management of this House. I will go further, and say that I give him

full credit for a sincere desire to promote the welfare of his country. Nevertheless, it is impossible for me to deny that there is too much ground for the reproaches of those who, having, in spite of a bitter experience, a second time trusted him, now find themselves a second time deluded. I cannot but see that it has been too much his practice, when in opposition, to make use of passions with which he has not the slightest sympathy, and of prejudices which he regards with profound contempt. As soon as he is in power a change takes place. The instruments which have done his work are flung aside. The ladder by which he has climbed is kicked down. I am forced to say that the right honorable Baronet acts thus habitually and on system. The instance before us is not a solitary instance. I do not wish to dwell on the events which took place seventeen or eighteen years ago, on the language which the right honorable Baronet held about the Catholic question when he was out of power in 1827, and on the change which twelve months of power produced. I will only say that one such change was quite enough for one life. Again the right honorable Baronet was in opposition; and again he employed his old tactics. I will not minutely relate the history of the manœuvres by which the Whig Government was overthrown. It is enough to say that many powerful interests were united against that Government under the leading of the right honorable Baronet, and that of those interests there is not one which is not now disappointed and complaining. To confine my remarks to the subject immediately before us,—can any man deny that, of all the many cries which were raised against the late administration, that which most strongly stirred the public mind was the cry of No Popery? Is there a single gentleman in the House who doubts that, if, four years ago, my noble friend the Member for the City of London had proposed

this bill, he would have been withstood by every member of the present Cabinet? Four years ago, Sir, we were discussing a very different bill. The party which was then in opposition, and which is now in place, was attempting to force through Parliament a law, which bore indeed a specious name, but of which the effect would have been to disfranchise the Roman Catholic electors of Ireland by tens of thousands. It was in vain that we argued, that we protested, that we asked for the delay of a single session, for delay till an inquiry could be made, for delay till a Committee should report. We were told that the case was one of extreme urgency, that every hour was precious, that the House must, without loss of time, be purged of the minions of Popery. These arts succeeded. A change of administration took place. The right honorable Baronet came into power. He has now been near four years in power. He has had a Parliament which would, beyond all doubt, have passed eagerly and gladly that Registration Bill which he and his colleagues had pretended that they thought indispensable to the welfare of the State. And where is that bill now? Flung away; condemned by its own authors; pronounced by them to be so oppressive, so inconsistent with all the principles of representative government, that, though they had vehemently supported it when they were on your left hand, they could not think of proposing it from the Treasury Bench. And what substitute does the honorable Baronet give his followers to console them for the loss of their favourite Registration Bill? Even this bill for the endowment of Maynooth College. Was such a feat of legerdemain ever seen? And can we wonder that the eager, honest, hot-headed Protestants, who raised you to power in the confident hope that you would curtail the privileges of the Roman Catholics, should stare and grumble when you propose to give public money to the

Roman Catholics? Can we wonder that, from one end of the country to the other, everything should be ferment and uproar, that petitions should, night after night, whiten all our benches like a snowstorm? Can we wonder that the people out of doors should be exasperated by seeing the very men who, when we were in office, voted against the old grant to Maynooth, now pushed and pulled into the House by your whippers-in to vote for an increased grant? The natural consequences follow. All those fierce spirits, whom you hallooed on to harass us, now turn round and begin to worry you. The Orangeman raises his war-whoop: Exeter Hall sets up its bray: Mr. MacNeill shudders to see more costly cheer than ever provided for the priests of Baal at the table of the Queen; and the Protestant Operatives of Dublin call for impeachments in exceedingly bad English. But what did you expect? Did you think, when, to serve your turn, you called the Devil up, that it was as easy to lay him as to raise him? Did you think, when you went on, session after session, thwarting and reviling those whom you knew to be in the right, and flattering all the worst passions of those whom you knew to be in the wrong, that the day of reckoning would never come? It has come. There you sit, doing penance for the disingenuousness of years. If it be not so, stand up manfully, and clear your fame before the House and the country. Show us that some steady principle has guided your conduct with respect to Irish affairs. Show us how, if you are honest in 1845, you can have been honest in 1841. Explain to us why, after having goaded Ireland to madness for the purpose of ingratiating yourselves with the English, you are now setting England on fire for the purpose of ingratiating yourselves with the Irish. Give us some reason which shall prove that the policy which you are following, as Ministers, is entitled to support, and which shall not

equally prove you to have been the most factious and unprincipled opposition that ever this country saw.

But, Sir, am I, because I think thus of the conduct of Her Majesty's Ministers, to take the counsel of the honorable Member for Shrewsbury and to vote against their bill? Not so. I know well that the fate of this bill and the fate of the Administration are in our hands. But far be it from us to imitate the arts by which we were overthrown. The spectacle exhibited on the bench opposite will do quite mischief enough. That mischief will not be lessened, but doubled, if there should be an answering display of inconsistency on this side of the House. If this bill, having been introduced by Tories, shall be rejected by Whigs, both the great parties in the State will be alike discredited. There will be one vast shipwreck of all the public character in the country. Therefore, making up my mind to sacrifices which are not unattended with pain, and repressing some feelings which stir strongly within me, I have determined to give my strenuous support to this bill. Yes, Sir, to this bill, and to every bill which shall seem to me likely to promote the real Union of Great Britain and Ireland, I will give my support, regardless of obloquy, regardless of the risk which I may run of losing my seat in Parliament. For such obloquy I have learned to consider as true glory; and as to my seat, I am determined that it never shall be held by an ignominious tenure; and I am sure that it can never be lost in a more honorable cause.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 23RD OF APRIL, 1845.

On the twenty-third of April, 1845, the order of the day for going into Committee on the Maynooth College Bill was read. On the motion that the Speaker should leave the chair, Mr. Ward, Member for Sheffield, proposed the following amendment:

"That it is the opinion of this House that any provision to be made for the purposes of the present Bill ought to be taken from the funds already applicable to ecclesiastical purposes in Ireland."

After a debate of two nights the amendment was rejected by 322 votes to 148. On the first night the following Speech was made.

I WAS desirous, Sir, to catch your eye this evening, because it happens that I have never yet found an opportunity of fully explaining my views on the important subject of the Irish Church. Indeed, I was not in this country when that subject for a time threw every other into the shade, disturbed the whole political world, produced a schism in the administration of Lord Grey, and overthrew the short administration of the right honorable Baronet opposite. The motion now before us opens, I conceive, the whole question. My honorable friend the member for Sheffield, indeed, asks us only to transfer twenty-six thousand pounds a year from the Established Church of Ireland to the College of Maynooth.

But this motion, I think, resembles an action of ejectment brought for a single farm, with a view of trying the title to a large estate. Whoever refuses to assent to what is now proposed must be considered as holding the opinion that the property of the Irish Church ought to be held inviolate: and I can scarcely think that any person will vote for what is now proposed, who is not prepared to go very much farther. The point at issue, I take, therefore, to be this: whether the Irish Church as now constituted, shall be maintained or not?

Now, Sir, when a legislator is called upon to decide whether an institution shall be maintained or not, it seems to me that he ought in the first place to examine whether it be a good or a bad institution. This may sound like a truism; but if I am to judge by the speeches which, on this and former occasions, have been made by gentlemen opposite, it is no truism, but an exceedingly recondite truth. I, Sir, think the Established Church of Ireland a bad institution. I will go farther. I am not speaking in anger, or with any wish to excite anger in others; I am not speaking with rhetorical exaggeration: I am calmly and deliberately expressing, in the only appropriate terms, an opinion which I formed many years ago, which all my observations and reflections have confirmed, and which I am prepared to support by reasons, when I say that, of all the institutions now existing in the civilised world, the Established Church of Ireland seems to me the most absurd.

I cannot help thinking that the speeches of those who defend this Church suffice of themselves to prove that my views are just. For who ever heard anybody defend it on its merits? Has any gentleman to-night defended it on its merits? We are told of the Roman Catholic oath; as if that oath, whatever be its meaning, whatever be the extent of the obligation which it lays on the consciences of those who take it, could possibly

prove this Church to be a good thing. We are told that Roman Catholics of note, both laymen and divines, fifty years ago, declared that if they were relieved from the disabilities under which they then lay, they should willingly see the Church of Ireland in possession of all its endowments: as if anything that anybody said fifty years ago could absolve us from the plain duty of doing what is now best for the country. We are told of the Fifth Article of Union; as if the Fifth Article of Union were more sacred than the Fourth. Surely, if there be any article of the Union which ought to be regarded as inviolable, it is the Fourth, which settles the number of members whom Great Britain and Ireland respectively are to send to Parliament. Yet the provisions of the Fourth Article have been altered with the almost unanimous assent of all parties in the State. The change was proposed by the noble lord who is now Secretary for the Colonies. It was supported by the right honorable Baronet the Secretary for the Home Department, and by other members of the present Administration. And so far were the opponents of the Reform Bill from objecting to this infraction of the Treaty of Union that they were disposed to go still farther. I well remember the night on which we debated the question, whether Members should be given to Finsbury, Marylebone, Lambeth, and the Tower Hamlets. On that occasion, the Tories attempted to seduce the Irish Reformers from us by promising that Ireland should have a share of the plunder of the metropolitan districts. After this, Sir, I must think it childish in gentlemen opposite to appeal to the Fifth Article of the Union. With still greater surprise did I hear the right honorable gentleman the Secretary for Ireland say that, if we adopt this amendment, we shall make all landed and funded property insecure. I am really ashamed to answer such an argument. Nobody proposes to touch any

vested interest; and surely it cannot be necessary for me to point out to the right honorable gentleman the distinction between property in which some person has a vested interest, and property in which no person has a vested interest. That distinction is part of the very rudiments of political science. Then the right honorable gentleman quarrels with the form of the amendment. Why, Sir, perhaps a more convenient form might have been adopted. But is it by cavils like these that a great institution should be defended? And who ever heard the Established Church of Ireland defended except by cavils like these? Who ever heard any of her advocates speak a manly and statesmanlike language? Who ever heard any of her advocates say, "I defend this institution because it is a good institution: the ends for which an Established Church exists are such and such: and I will show you that this Church attains those ends?" Nobody says this. Nobody has the hardihood to say it. What divine, what political speculator who has written in defence of ecclesiastical establishments, ever defended such establishments on grounds which will support the Church of Ireland? What panegyric has ever been pronounced on the Churches of England and Scotland, which is not a satire on the Church of Ireland? What traveller comes among us who is not moved to wonder and derision by the Church of Ireland? What foreign writer on British affairs, whether European or American, whether Protestant or Catholic, whether Conservative or Liberal, whether partial to England or prejudiced against England, ever mentions the Church of Ireland without expressing his amazement that such an establishment should exist among reasonable men?

And those who speak thus of this Church speak justly. Is there anything else like it? Was there ever anything else like it? The world is full of

ecclesiastical establishments: but such a portent as this Church of Ireland is nowhere to be found. Look round the Continent of Europe. Ecclesiastical establishments from the White Sea to the Mediterranean: ecclesiastical establishments from the Wolga to the Atlantic: but nowhere the Church of a small minority enjoying exclusive establishment. Look at America. There you have all forms of Christianity, from Mormonism, if you call Mormonism Christianity, to Romanism. In some places you have the voluntary system. In some you have several religions connected with the State. In some you have the solitary ascendancy of a single Church. But nowhere from the Arctic Circle to Cape Horn, do you find the Church of a small minority exclusively established. Look round our own empire. We have an Established Church in England; it is the Church of the majority. There is an Established Church in Scotland. When it was set up, it was the Church of the majority. A few months ago, it was the Church of the majority. I am not quite sure that, even after the late unhappy disruption, it is the Church of the minority. In our colonies the State does much for the support of religion; but in no colony, I believe, do we give exclusive support to the religion of the minority. Nay, even in those parts of the empire where the great body of the population is attached to absurd and immoral superstitions, you have not been guilty of the folly and injustice of calling on them to pay for a Church which they do not want. We have not portioned out Bengal and the Carnatic into parishes, and scattered Christian rectors with stipends and glebes, among millions of Pagans and Mahometans. We keep, indeed, a small Christian establishment, or rather three small Christian establishments, Anglican, Presbyterian, and Catholic. But we keep them only for the Christians in our civil and military services; and we leave untouched the re-

venues of the mosques and temples. In one country alone is to be seen the spectacle of a community of eight millions of human beings, with a Church which is the Church of only eight hundred thousand.

It has been often said, and has been repeated to-night by the honorable Member for Radnor, that this Church, though it includes only a tenth part of the population, has more than half the wealth of Ireland. But is that an argument in favour of the present system? Is it not the strongest argument that can be urged in favour of an entire change? It is true that there are many cases in which it is fit that property should prevail over number. Those cases may, I think, be all arranged in two classes. One class consists of those cases in which the preservation or improvement of property is the object in view. Thus, in a railway company, nothing can be more reasonable than that one proprietor who holds five hundred shares should have more power than five proprietors who hold one share each. The other class of cases in which property may justly confer privileges is where superior intelligence is required. Property is indeed but a very imperfect test of intelligence. But, when we are legislating on a large scale, it is perhaps the best which we can apply. For, where there is no property, there can very seldom be any mental cultivation. It is on this principle that special jurors, who have to try causes of peculiar nicety, are taken from a wealthier order than that which furnishes common jurors. But there cannot be a more false analogy than to reason from these cases to the case of an Established Church. So far is it from being true that, in establishing a Church, we ought to pay more regard to one rich man than to five poor men, that the direct reverse is the sound rule. We ought to pay more regard to one poor man than to five rich men. For, in the first place, the public ordinances of religion are of

far more importance to the poor man than to the rich man. I do not mean to say that a rich man may not be the better for hearing sermons and joining in public prayers. But these things are not indispensable to him; and, if he is so situated that he cannot have them, he may find substitutes. He has money to buy books, time to study them, understanding to comprehend them. Every day he may commune with the minds of Hooker, Leighton, and Barrow. He therefore stands less in need of the oral instruction of a divine than a peasant who cannot read, or who, if he can read, has no money to procure books, or leisure to peruse them. Such a peasant, unless instructed by word of mouth, can know no more of Christianity than a wild Hottentot. Nor is this all. The poor man not only needs the help of a minister of religion more than the rich man, but is also less able to procure it. If there were no Established Church, people in our rank of life would always be provided with preachers to their mind at an expense which they would scarcely feel. But when a poor man, who can hardly give his children their fill of potatoes, has to sell his pig in order to pay something to his priest, the burden is a heavy one. This is, in fact, the strongest reason for having an established church in any country. It is the one reason which prevents me from joining with the partisans of the voluntary system. I should think their arguments unanswerable if the question regarded the upper and middle classes only. If I would keep up the Established Church of England, it is not for the sake of lords, and baronets, and country gentlemen of five thousand pounds a-year, and rich bankers in the City. I know that such people will always have churches, aye, and cathedrals, and organs, and rich communion plate. The person about whom I am uneasy is the working man; the man who would find it difficult to pay even five

shillings or ten shillings a-year out of his small earnings for the ministrations of religion. What is to become of him under the voluntary system? Is he to go without religious instruction altogether? That we should all think a great evil to himself, and a great evil to society. Is he to pay for it out of his slender means? That would be a heavy tax. Is he to be dependent on the liberality of others? That is a somewhat precarious and a somewhat humiliating dependence. I prefer, I own, that system under which there is, in the rudest and most secluded district, a house of God, where public worship is performed after a fashion acceptable to the great majority of the community, and where the poorest may partake of the ordinances of religion, not as an alms, but as a right. But does this argument apply to a Church like the Church of Ireland? It is not necessary on this occasion to decide whether the arguments in favour of ecclesiastical establishments, or the arguments in favour of the voluntary system, be the stronger. There are weighty considerations on both sides. Balancing them as well as I can, I think that, as respects England, the preponderance is on the side of the Establishment. But, as respects Ireland, there is no balancing. All the weights are in one scale. All the arguments which incline us against the Church of England, and all the arguments which incline us in favour of the Church of England, are alike arguments against the Church of Ireland; against the Church of the few; against the Church of the wealthy; against the Church which, reversing every principle on which a Christian Church should be founded, fills the rich with its good things, and sends the hungry empty away.

One view which has repeatedly, both in this House and out of it, been taken of the Church of Ireland, seems to deserve notice. It is admitted, as

indeed it could not well be denied, that this Church does not perform the functions which are everywhere else expected from similar institutions; that it does not instruct the body of the people; that it does not administer religious consolation to the body of the people. But, it is said, we must regard this Church as an aggressive Church, a proselytizing Church, a Church militant among spiritual enemies. Its office is to spread Protestantism over Munster and Connaught. I remember well that, eleven years ago, when Lord Grey's Government proposed to reduce the number of Irish bishoprics, this language was held. It was acknowledged that there were more bishops than the number of persons then in communion with the Established Church required. But that number, we were assured, would not be stationary; and the hierarchy, therefore, ought to be constituted with a view to the millions of converts who would soon require the care of Protestant pastors. I well remember the strong expression which was then used by my honorable friend, the Member for the University of Oxford. We must, he said, make allowance for the expansive force of Protestantism. A few nights ago a noble lord for whom I, in common with the whole House, feel the greatest respect, the Member for Dorsetshire,[1] spoke of the missionary character of the Church of Ireland. Now, Sir, if such language had been held at the Council Board of Queen Elizabeth when the constitution of this Church was first debated there, there would have been no cause for wonder. Sir William Cecil or Sir Nicholas Bacon might very naturally have said, "There are few Protestants now in Ireland, it is true. But when we consider how rapidly the Protestant theology has spread, when we remember that it is little more than forty years since Martin Luther began to preach against indulgences, and

[1] Lord Ashley.

when we see that one half of Europe is now emancipated from the old superstition, we may reasonably expect that the Irish will soon follow the example of the other nations which have embraced the doctrines of the Reformation." Cecil, I say, and his colleagues, might naturally entertain this expectation, and might without absurdity make preparations for an event which they regarded as in the highest degree probable. But we, who have seen this system in full operation from the year 1560 to the year 1845, ought to have been taught better, unless indeed we are past all teaching. Two hundred and eighty-five years has this Church been at work. What could have been done for it in the way of authority, privileges, endowments, which has not been done? Did any other set of bishops and priests in the world ever receive so much for doing so little? Nay, did any other set of bishops and priests in the world ever receive half as much for doing twice as much? And what have we to show for all this lavish expenditure? What but the most zealous Roman Catholic population on the face of the earth? Where you were one hundred years ago, where you were two hundred years ago, there you are still, not victorious over the domain of the old faith, but painfully and with dubious success defending your own frontier, your own English pale. Sometimes a deserter leaves you. Sometimes a deserter steals over to you. Whether your gains or losses of this sort be the greater I do not know; nor is it worth while to inquire. On the great solid mass of the Roman Catholic population you have made no impression whatever. There they are, as they were ages ago, ten to one against the members of your Established Church. Explain this to me. I speak to you, the zealous Protestants on the other side of the House. Explain this to me on Protestant principles. If I were a Roman Catholic, I could easily account for the phenomena. If I

were a Roman Catholic, I should content myself with saying that the mighty hand and the outstretched arm had been put forth, according to the promise, in defence of the unchangeable Church; that He who in the old time turned into blessings the curses of Balaam, and smote the host of Sennacherib, had signally confounded the arts of heretic statesmen. But what is a Protestant to say? He holds that, through the whole of this long conflict, during which ten generations of men have been born and have died, reason and Scripture have been on the side of the Established Clergy. Tell us then what we are to say of this strange war, in which reason and Scripture, backed by wealth, by dignity, by the help of the civil power, have been found no match for oppressed and destitute error? The fuller our conviction that our doctrines are right, the fuller, if we are rational men, must be our conviction that our tactics have been wrong, and that we have been encumbering the cause which we meant to aid.

Observe, it is not only the comparative number of Roman Catholics and Protestants that may justly furnish us with matter for serious reflection. The quality as well as the quantity of Irish Romanism deserves to be considered. Is there any other country inhabited by a mixed population of Catholics and Protestants, any other country in which Protestant doctrines have long been freely promulgated from the press and from the pulpit, where the Roman Catholic spirit is so strong as in Ireland? I believe not. The Belgians are generally considered as very stubborn and zealous Roman Catholics. But I do not believe that either in stubbornness or in zeal they equal the Irish. And this is the fruit of three centuries of Protestant archbishops, bishops, archdeacons, deans and rectors. And yet where is the wonder? Is this a miracle that we should stand aghast at it? Not at all. It is a result which human prudence

ought to have long ago foreseen and long ago averted. It is the natural succession of effect to cause. If you do not understand it, it is because you do not understand what the nature and operation of a Church is. There are parts of the machinery of Government which may be just as efficient when they are hated as when they are loved. An army, a navy, a preventive service, a police force, may do their work whether the public feeling be with them or against them. Whether we dislike the corn laws or not, your custom houses and your coast guard keep out foreign corn. The multitude at Manchester was not the less effectually dispersed by the yeomanry, because the interference of the yeomanry excited the bitterest indignation. There the object was to produce a material effect; the material means were sufficient; and nothing more was required. But a Church exists for moral ends. A Church exists to be loved, to be reverenced, to be heard with docility, to reign in the understandings and hearts of men. A Church which is abhorred is useless or worse than useless; and to quarter a hostile Church on a conquered people, as you would quarter a soldiery, is therefore the most absurd of mistakes. This mistake our ancestors committed. They posted a Church in Ireland just as they posted garrisons in Ireland. The garrisons did their work. They were disliked. But that mattered not. They had their forts and their arms: and they kept down the aboriginal race. But the Church did not do its work. For to that work the love and confidence of the people were essential.

I may remark in passing that, even under more favourable circumstances, a parochial priesthood is not a good engine for the purpose of making proselytes. The Church of Rome, whatever we may think of her ends, has shown no want of sagacity in the choice of means; and she knows this well.

When she makes a great aggressive movement, —and many such movements she has made with signal success,—she employs, not her parochial clergy, but a very different machinery. The business of her parish priests is to defend and govern what has been won. It is by the religious orders, and especially by the Jesuits, that the great acquisitions have been made. In Ireland your parochial clergy lay under two great disadvantages. They were endowed and they were hated; so richly endowed that few among them cared to turn missionaries; so bitterly hated that those few had but little success. They long contented themselves with receiving the emoluments arising from their benefices, and neglected those means to which, in other parts of Europe, Protestantism had owed its victory. It is well known that of all the instruments employed by the Reformers of Germany, of England, and of Scotland, for the purpose of moving the public mind, the most powerful was the Bible translated into the vernacular tongues. In Ireland the Protestant Church had been established near half a century before the New Testament was printed in Erse. The whole Bible was not printed in Erse till this Church had existed more than one hundred and twenty years. Nor did the publication at last take place under the patronage of the lazy and wealthy hierarchy. The expense was defrayed by a layman, the illustrious Robert Boyle. So things went on century after century. Swift, more than a hundred years ago, described the prelates of his country as men gorged with wealth and sunk in indolence, whose chief business was to bow and job at the Castle. The only spiritual function, he says, which they performed was ordination; and, when he saw what persons they ordained, he doubted whether it would not be better that they should neglect that function as they neglected every other. Those, Sir, are now living who can well remember

how the revenues of the richest see in Ireland were squandered on the shores of the Mediterranean by a bishop, whose epistles, very different compositions from the epistles of Saint Peter and Saint John, may be found in the correspondence of Lady Hamilton. Such abuses as these called forth no complaint, no reprimand. And all this time the true pastors of the people, meanly fed and meanly clothed, frowned upon by the law, exposed to the insults of every petty squire who gloried in the name of Protestant, were to be found in miserable cabins, amidst filth, and famine, and contagion, instructing the young, consoling the miserable, holding up the crucifix before the eyes of the dying. Is it strange that, in such circumstances, the Roman Catholic religion should have been constantly becoming dearer and dearer to an ardent and sensitive people, and that your Established Church should have been constantly sinking lower and lower in their estimation? I do not of course hold the living clergy of the Irish Church answerable for the faults of their predecessors. God forbid! To do so would be the most flagitious injustice. I know that a salutary change has taken place. I have no reason to doubt that in learning and regularity of life the Protestant clergy of Ireland are on a level with the clergy of England. But in the way of making proselytes they do as little as those who preceded them. An enmity of three hundred years separates the nation from those who should be its teachers. In short, it is plain that the mind of Ireland has taken its ply, and is not to be bent in a different direction, or, at all events, is not to be so bent by your present machinery.

Well, then, this Church is inefficient as a missionary Church. But there is yet another end which, in the opinion of some eminent men, a Church is meant to serve. That end has been often in the minds of practical politicians. But the first specu-

lative politician who distinctly pointed it out was Mr. Hume. Mr. Hume, as might have been expected from his known opinions, treated the question merely as it related to the temporal happiness of mankind; and, perhaps, it may be doubted whether he took quite a just view of the manner in which even the temporal happiness of mankind is affected by the restraints and consolations of religion. He reasoned thus:—It is dangerous to the peace of society that the public mind should be violently excited on religious subjects. If you adopt the voluntary system, the public mind will always be so excited. For every preacher, knowing that his bread depends on his popularity, seasons his doctrine high, and practises every art for the purpose of obtaining an ascendancy over his hearers. But when the Government pays the minister of religion, he has no pressing motive to inflame the zeal of his congregation. He will probably go through his duties in a somewhat perfunctory manner. His power will not be very formidable; and, such as it is, it will be employed in support of that order of things under which he finds himself so comfortable. Now, Sir, it is not necessary to inquire whether Mr. Hume's doctrine be sound or unsound. For, sound or unsound, it furnishes no ground on which you can rest the defence of the institution which we are now considering. It is evident that by establishing in Ireland the Church of the minority in connection with the State, you have produced, in the very highest degree, all those evils which Mr. Hume considered as inseparable from the voluntary system. You may go all over the world without finding another country where religious differences take a form so dangerous to the peace of society; where the common people are so much under the influence of their priests; or where the priests who teach the common people are so completely estranged from the civil Government.

And now, Sir, I will sum up what I have said. For what end does the Church of Ireland exist? Is that end the instruction and solace of the great body of the people? You must admit that the Church of Ireland has not attained that end. Is the end which you have in view the conversion of the great body of the people from the Roman Catholic religion to a purer form of Christianity? You must admit that the Church of Ireland has not attained that end. Or do you propose to yourselves the end contemplated by Mr. Hume, the peace and security of civil society? You must admit that the Church of Ireland has not attained that end. In the name of common sense, then, tell us what good end this Church has attained; or suffer us to conclude, as I am forced to conclude, that it is emphatically a bad institution.

It does not, I know, necessarily follow that, because an institution is bad, it is therefore to be immediately destroyed. Sometimes a bad institution takes a strong hold on the hearts of mankind, intertwines its roots with the very foundations of society, and is not to be removed without serious peril to order, law, and property. For example, I hold polygamy to be one of the most pernicious practices that exist in the world. But if the Legislative Council of India were to pass an Act prohibiting polygamy, I should think that they were out of their senses. Such a measure would bring down the vast fabric of our Indian Empire with one crash. But is there any similar reason for dealing tenderly with the Established Church of Ireland? That Church, Sir, is not one of those bad institutions which ought to be spared because they are popular, and because their fall would injure good institutions. It is, on the contrary, so odious, and its vicinage so much endangers valuable parts of our polity, that, even if it were in itself a good institution, there would be strong reasons for giving it up.

The honorable gentleman who spoke last told us that we cannot touch this Church without endangering the Legislative Union. Sir, I have given my best attention to this important point; and I have arrived at a very different conclusion. The question to be determined is this;—What is the best way of preserving political union between countries in which different religions prevail? With respect to this question we have, I think, all the light which history can give us. There is no sort of experiment described by Lord Bacon which we have not tried. Inductive philosophy is of no value if we cannot trust to the lessons derived from the experience of more than two hundred years. England has long been closely connected with two countries less powerful than herself, and differing from herself in religion. The Scottish people are Presbyterians; the Irish people are Roman Catholics. We determined to force the Anglican system on both countries. In both countries great discontent was the result. At length Scotland rebelled. Then Ireland rebelled. The Scotch and Irish rebellions, taking place at a time when the public mind of England was greatly and justly excited, produced the great rebellion here, and the downfall of the Monarchy, of the Church, and of the Aristocracy. After the Restoration we again tried the old system. During twenty-eight years we persisted in the attempt to force Prelacy on the Scotch; and the consequence was, during those twenty-eight years, Scotland exhibited a frightful spectacle of misery and depravity. The history of that period is made up of oppression and resistance, of insurrections, barbarous punishments, and assassinations. One day a crowd of zealous rustics stand desperately on their defence, and repel the dragoons. Next day the dragoons scatter and hew down the flying peasantry. One day the kneebones of a wretched Covenanter are beaten flat in that accursed

boot. Next day the Lord Primate is dragged out of his carriage by a band of raving fanatics, and, while screaming for mercy, is butchered at the feet of his own daughter. So things went on, till at last we remembered that institutions are made for men, and not men for institutions. A wise Government desisted from the vain attempt to maintain an Episcopal Establishment in a Presbyterian nation. From that moment the connection between England and Scotland became every year closer and closer. There were still, it is true, many causes of animosity. There was an old antipathy between the nations, the effect of many blows given and received on both sides. All the greatest calamities that had befallen Scotland had been inflicted by England. The proudest events in Scottish history were victories obtained over England. Yet all angry feelings died rapidly away. The union of the nations became complete. The oldest man living does not remember to have heard any demagogue breathe a wish for separation. Do you believe that this would have happened if England had, after the Revolution, persisted in attempting to force the surplice and the Prayer Book on the Scotch? I tell you that, if you had adhered to the mad scheme of having a religious union with Scotland, you never would have had a cordial political union with her. At this very day you would have had monster meetings on the north of the Tweed, and another Conciliation Hall, and another repeal button, with the motto, "Nemo me impune lacessit." In fact, England never would have become the great power that she is. For Scotland would have been, not an addition to the effective strength of the Empire, but a deduction from it. As often as there was a war with France or Spain, there would have been an insurrection in Scotland. Our country would have sunk into a kingdom of the second class. One such Church as that

about which we are now debating is a serious incumbrance to the greatest empire. Two such Churches no empire could bear. You continued to govern Ireland during many generations as you had governed Scotland in the days of Lauderdale and Dundee. And see the result. Ireland has remained, indeed, a part of your Empire. But you know her to be a source of weakness rather than of strength. Her misery is a reproach to you. Her discontent doubles the dangers of war. Can you, with such facts before you, doubt about the course which you ought to take? Imagine a physician with two patients, both afflicted with the same disease. He applies the same sharp remedies to both. Both become worse and worse with the same inflammatory symptoms. Then he changes his treatment of one case, and gives soothing medicines. The sufferer revives, grows better day by day, and is at length restored to perfect health. The other patient is still subjected to the old treatment, and becomes constantly more and more disordered. How would a physician act in such a case? And are not the principles of experimental philosophy the same in politics as in medicine?

Therefore, Sir, I am fully prepared to take strong measures with regard to the Established Church of Ireland. It is not necessary for me to say precisely how far I would go. I am aware that it may be necessary, in this as in other cases, to consent to a compromise. But the more complete the reform which may be proposed, provided always that vested rights be, as I am sure they will be, held strictly sacred, the more cordially shall I support it.

That some reform is at hand I cannot doubt. In a very short time we shall see the evils which I have described mitigated, if not entirely removed. A Liberal Administration would make this concession to Ireland from a sense of justice. A Conservative

Administration will make it from a sense of danger. The right honorable Baronet has given the Irish a lesson which will bear fruit. It is a lesson which rulers ought to be slow to teach; for it is one which nations are but too apt to learn. We have repeatedly been told by acts,—we are now told almost in express words,—that agitation and intimidation are the means which ought to be employed by those who wish for redress of grievances from the party now in power. Such indeed has too long been the policy of England towards Ireland; but it was surely never before avowed with such indiscreet frankness. Every epoch which is remembered with pleasure on the other side of St. George's Channel coincides with some epoch which we here consider as disastrous and perilous. To the American war and the volunteers the Irish Parliament owed its independence. To the French revolutionary war the Irish Roman Catholics owed the elective franchise. It was in vain that all the great orators and statesmen of two generations exerted themselves to remove the Roman Catholic disabilities, Burke, Fox, Pitt, Windham, Grenville, Grey, Plunkett, Wellesley, Grattan, Canning, Wilberforce. Argument and expostulation were fruitless. At length pressure of a stronger kind was boldly and skilfully applied; and soon all difficulties gave way. The Catholic Association, the Clare election, the dread of civil war, produced the Emancipation Act. Again, the cry of No Popery was raised. That cry was successful. A faction which had reviled in the bitterest terms the mild administration of Whig Viceroys, and which was pledged to the wholesale disfranchisement of the Roman Catholics, rose to power. One leading member of that faction had drawn forth loud cheers by declaiming against the minions of Popery. Another had designated six millions of Irish Catholics as aliens. A third had publicly declared his conviction, that a time was at

hand when all Protestants of every persuasion would find it necessary to combine firmly against the encroachments of Romanism. From such men we expected nothing but oppression and intolerance. We are agreeably disappointed to find that a series of conciliatory bills is brought before us. But, in the midst of our delight, we cannot refrain from asking for some explanation of so extraordinary a change. We are told in reply that, the monster meetings of 1843 were very formidable, and that our relations with America are in a very unsatisfactory state. The public opinion of Ireland is to be consulted, the religion of Ireland is to be treated with respect, not because equity and humanity plainly enjoin that course; for equity and humanity enjoined that course as plainly when you were calumniating Lord Normanby, and hurrying forward your Registration Bill; but because Mr. O'Connell and Mr. Polk have between them made you very uneasy. Sir, it is with shame, with sorrow, and, I will add, with dismay, that I listen to such language. I have hitherto disapproved of the monster meetings of 1843. I have disapproved of the way in which Mr. O'Connell and some other Irish representatives have seceded from this House. I should not have chosen to apply to those gentlemen the precise words which were used on a former occasion by the honorable and learned Member for Bath. But I agreed with him in substance. I thought it highly to the honour of my right honorable friend the Member for Dungarvan, and of my honorable friends the Members for Kildare, for Roscommon, and for the city of Waterford, that they had the moral courage to attend the service of this House, and to give us the very valuable assistance which they are, in various ways, so well qualified to afford. But what am I to say now? How can I any longer deny that the place where an Irish gentleman may best serve his country is Conciliation Hall? How can I expect

that any Irish Roman Catholic can be very sorry to learn that our foreign relations are in an alarming state, or can rejoice to hear that all danger of war has blown over? I appeal to the Conservative Members of this House. I ask them whither we are hastening? I ask them what is to be the end of a policy of which it is the principle to give nothing to justice, and everything to fear? We have been accused of truckling to Irish agitators. But I defy you to show us that we ever made or are now making to Ireland a single concession which was not in strict conformity with our known principles. You may therefore trust us, when we tell you that there is a point where we will stop. Our language to the Irish is this: "You asked for emancipation; it was agreeable to our principles that you should have it; and we assisted you to obtain it. You wished for a municipal system, as popular as that which exists in England: we thought your wish reasonable, and did all in our power to gratify it. This grant to Maynooth is, in our opinion, proper; and we will do our best to obtain it for you, though it should cost us our popularity and our seats in Parliament. The Established Church in your island, as now constituted, is a grievance of which you justly complain. We will strive to redress that grievance. The Repeal of the Union we regard as fatal to the Empire, and we never will consent to it; never, though the country should be surrounded by dangers as great as those which threatened her when her American colonies, and France, and Spain, and Holland, were leagued against her, and when the armed neutrality of the Baltic disputed her maritime rights; never, though another Bonaparte should pitch his camp in sight of Dover Castle; never, till all has been staked and lost; never, till the four quarters of the world have been convulsed by the last struggle of the great English people for their place among the nations." This, Sir, is the

true policy. When you give, give frankly. When you withhold, withhold resolutely. Then what you give is received with gratitude; and, as for what you withhold, men, seeing that to wrest it from you is no safe or easy enterprise, cease to hope for it, and in time, cease to wish for it. But there is a way of so withholding as merely to excite desire, and of so giving as merely to excite contempt; and that way the present Ministry has discovered. Is it possible for me to doubt that in a few months the same machinery which sixteen years ago extorted from the men now in power the Emancipation Act, and which has now extorted from them the bill before us, will again be put in motion? Who shall say what will be the next sacrifice? For my own part I firmly believe that, if the present Ministers remain in power five years longer, and if we should have,—which God avert!—a war with France or America, the Established Church of Ireland will be given up. The right honorable Baronet will come down to make a proposition conceived in the very spirit of the Motions which have repeatedly been made by my honorable friend the Member for Sheffield. He will again be deserted by his followers; he will again be dragged through his difficulties by his opponents. Some honest Lord of the Treasury may determine to quit his office rather than belie all the professions of a life. But there will be little difficulty in finding a successor ready to change all his opinions at twelve hours' notice. I may perhaps, while cordially supporting the bill, again venture to say something about consistency, and about the importance of maintaining a high standard of political morality. The right honorable Baronet will again tell me, that he is anxious only for the success of his measure, and that he does not choose to reply to taunts. And the right honorable gentleman the Chancellor of the Exchequer will produce Hansard, will read to the

House my speech of this night, and will most logically argue that I ought not to reproach the Ministers with their inconsistency, seeing that I had, from my knowledge of their temper and principles, predicted to a tittle the nature and extent of that inconsistency.

Sir, I have thought it my duty to brand with strong terms of reprehension the practice of conceding, in time of public danger, what is obstinately withheld in time of public tranquillity. I am prepared, and have long been prepared, to grant much, very much, to Ireland. But if the Repeal Association were to dissolve itself to-morrow, and if the next steamer were to bring news that all our differences with the United States were adjusted in the most honorable and friendly manner, I would grant to Ireland neither more nor less than I would grant if we were on the eve of a rebellion like that of 1798; if war were raging all along the Canadian frontier; and if thirty French sail of the line were confronting our fleet in St. George's Channel. I give my vote from my heart and soul for the amendment of my honorable friend. He calls on us to make to Ireland a concession, which ought in justice to have been made long ago, and which may be made with grace and dignity even now. I well know that you will refuse to make it now. I know as well that you will make it hereafter. You will make it as every concession to Ireland has been made. You will make it when its effect will be, not to appease, but to stimulate agitation. You will make it when it will be regarded, not as a great act of national justice, but as a confession of national weakness. You will make it in such a way, and at such a time, that there will be but too much reason to doubt whether more mischief has been done by your long refusal, or by your tardy and enforced compliance.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 9TH OF JULY, 1845.

On the first of May, 1845, Mr. Rutherfurd, Member for Leith, obtained leave to bring in a bill to regulate admission to the Secular Chairs in the Universities of Scotland. On the morning of the sixth of May the bill was read a first time, and remained two months on the table of the House. At length the second reading was fixed for the ninth of July. Mr. Rutherfurd was unable to attend on that day; and it was necessary that one of his friends should supply his place. Accordingly, as soon as the Order of the day had been read, the following Speech was made.

On a division the bill was rejected by 116 votes to 108. But in the state in which parties then were, this defeat was generally considered as a victory.

MR. SPEAKER,

I HAVE been requested by my honorable and learned friend, the Member for Leith, to act as his substitute on this occasion. I am truly sorry that any substitute should be necessary. I am truly sorry that he is not among us to take charge of the bill which he not long ago introduced with one of the most forcible and luminous speeches that I ever had the pleasure of hearing. His audience was small; but the few who formed that audience cannot have forgotten the effect which his arguments and his elo-

quence produced. The Ministers had come down to resist his motion: but their courage failed them: they hesitated: they conferred together: at last they consented that he should have leave to bring in his bill. Such, indeed, was the language which they held on that and on a subsequent occasion, that both my honorable and learned friend and myself gave them more credit than they deserved. We really believed that they had resolved to offer no opposition to a law which it was quite evident that they perceived to be just and beneficial. But we have been disappointed. It has been notified to us that the whole influence of the Government is to be exerted against our bill. In such discouraging circumstances it is that I rise to move the second reading.

Yet, Sir, I do not altogether despair of success. When I consider what strong, what irresistible reasons we have to urge, I can hardly think it possible that the mandate of the most powerful administration can prevail against them. Nay, I should consider victory, not merely as probable, but as certain, if I did not know how imperfect is the information which English gentlemen generally possess concerning Scotch questions. It is because I know this that I think it my duty to depart from the ordinary practice, and, instead of simply moving the second reading, to explain at some length the principles on which this bill has been framed. I earnestly entreat those English members who were not so fortunate as to hear the speech of my honorable and learned friend, the Member for Leith, to favour me with their attention. They will, I think, admit, that I have a right to be heard with indulgence. I have been sent to this house by a great city which was once a capital, the abode of a Sovereign, the place where the Estates of a realm held their sittings. For the general good of the empire, Edinburgh descended from that high eminence. But, ceasing to be a

political metropolis, she became an intellectual metropolis. For the loss of a court, of a Privy Council, of a Parliament, she found compensation in the prosperity and splendour of an University renowned to the farthest ends of the earth as a school of physical and moral science. This noble and beneficent institution is now threatened with ruin by the folly of the Government, and by the violence of an ecclesiastical faction which is bent on persecution without having the miserable excuse of fanaticism. Nor is it only the University of Edinburgh that is in danger. In pleading for that University, I plead for all the great academical institutions of Scotland. The fate of all depends on the event of this debate; and, in the name of all, I demand the attention of every man who loves either learning or religious liberty.

The first question which we have to consider is, whether the principles of the bill be sound. I believe that they are sound; and I am quite confident that nobody who sits on the Treasury Bench will venture to pronounce them unsound. It does not lie in the mouths of the Ministers to say that literary instruction and scientific instruction are inseparably connected with religious instruction. It is not for them to rail against Godless Colleges. It is not for them to talk with horror of the danger of suffering young men to listen to the lectures of an Arian professor of Botany or of a Popish professor of Chemistry. They are themselves at this moment setting up in Ireland a system exactly resembling the system which we wish to set up in Scotland. Only a few hours have elapsed since they were themselves labouring to prove that, in a country in which a large proportion of those who require a liberal education are dissenters from the Established Church, it is desirable that there should be schools without theological tests. The right honorable Baronet at the head of the Government proposes that in the new colleges which he

is establishing at Belfast, Cork, Limerick, and Galway, the professorships shall be open to men of every creed; and he has strenuously defended that part of his plan against attacks from opposite quarters, against the attacks of zealous members of the Church of England, and of zealous members of the Church of Rome. Only the day before yesterday the honorable Baronet the Member for North Devon [1] ventured to suggest a test as unobjectionable as a test could well be. He would merely have required the professors to declare their general belief in the divine authority of the Old and New Testaments. But even this amendment the First Lord of the Treasury resisted, and I think quite rightly. He told us that it was quite unnecessary to institute an inquisition into the religious opinions of people whose business was merely to teach secular knowledge, and that it was absurd to imagine that any man of learning would disgrace and ruin himself by preaching infidelity from the Greek chair or the Mathematical chair.

Some members of this House certainly held very different language: but their arguments made as little impression on Her Majesty's Ministers as on me. We were told with the utmost earnestness that secular knowledge, unaccompanied by a sound religious faith, and unsanctified by religious feeling, was not only useless, but positively noxious, a curse to the possessor, a curse to society. I feel the greatest personal kindness and respect for some gentlemen who hold this language. But they must pardon me if I say that the proposition which they have so confidently laid down, however well it may sound in pious ears while it is expressed in general terms, will appear, as soon as it is applied to the real concerns of life, to be too monstrous, too ludicrous, for grave refutation. Is it seriously meant that, if the captain of an Indiaman is a Socinian, it would

[1] Sir Thomas Acland.

be better for himself, his crew, and his passengers, that he should not know how to use his quadrant and his chronometers? Is it seriously meant that, if a druggist is a Swedenborgian, it would be better for himself and his customers that he should not know the difference between Epsom salts and oxalic acid? A hundred millions of the Queen's Asiatic subjects are Mahometans and Pagans. Is it seriously meant that it is desirable that they should be as ignorant as the aboriginal inhabitants of New South Wales, that they should have no alphabet, that they should have no arithmetic, that they should not know how to build a bridge, how to sink a well, how to irrigate a field? If it be true that secular knowledge, unsanctified by true religion, is a positive evil, all these consequences follow. Yet surely they are consequences from which every sane mind must recoil. It is a great evil, no doubt, that a man should be a heretic or an atheist. But I am quite at a loss to understand how this evil is mitigated by his not knowing that the earth moves round the sun, that, by the help of a lever, a small power will lift a great weight, that Virginia is a republic, or that Paris is the capital of France.

On these grounds, Sir, I have cordially supported the Irish Colleges Bill. But the principle of the Irish Colleges and the principle of the bill which I hold in my hand are exactly the same: and the House and the country have a right to know why the authors of the former bill are the opponents of the latter bill. One distinction there is, I admit, between Ireland and Scotland. It is true that in Scotland there is no clamour against the Union with England. It is true that in Scotland no demagogue can obtain applause and riches by slandering and reviling the English people. It is true that in Scotland there is no traitor who would dare to say that he regards the enemies of the state as his allies. In

every extremity the Scottish nation will be found faithful to the common cause of the empire. But Her Majesty's Ministers will hardly, I think, venture to say that this is their reason for refusing to Scotland the boon which they propose to confer on Ireland. And yet, if this be not their reason, what reason can we find? Observe how strictly analogous the cases are. You give it as a reason for establishing in Ireland colleges without tests that the Established Church of Ireland is the Church of the minority. Unhappily it may well be doubted whether the Established Church of Scotland, too, be not now thanks to your policy, the Church of the minority. It is true that the members of the Established Church of Scotland are about a half of the whole population of Scotland; and that the members of the Established Church of Ireland are not much more than a tenth of the whole population of Ireland. But the question now before us does not concern the whole population. It concerns only the class which requires academical education: and I do not hesitate to say that, in the class which requires academical education, in the class for the sake of which universities exist, the proportion of persons who do not belong to the Established Church is as great in Scotland as in Ireland. You tell us that sectarian education in Ireland is an evil. Is it less an evil in Scotland? You tell us that it is desirable that the Protestant and the Roman Catholic should study together at Cork. Is it less desirable that the son of an elder of the Established Church and the son of an elder of the Free Church should study together at Edinburgh? You tell us that it is not reasonable to require from a Professor of Astronomy or Surgery in Connaught a declaration that he believes in the Gospels. On what ground, then, can you think it reasonable to require from every Professor in Scotland a declaration that he approves of the Presby-

terian form of church government? I defy you, with all your ingenuity, to find one argument, one rhetorical topic, against our bill which may not be used with equal effect against your own Irish Colleges Bill.

Is there any peculiarity in the academical system of Scotland which makes these tests necessary? Certainly not. The academical system of Scotland has its peculiarities; but they are peculiarities which are not in harmony with these tests, peculiarities which jar with these tests. It is an error to imagine that, by passing this bill, we shall establish a precedent which will lead to a change in the constitution of the Universities of Cambridge and Oxford. Whether such a change be or be not desirable is a question which must be decided on grounds quite distinct from those on which we rest our case. I entreat English gentlemen not to be misled by the word University. That word means two different things on the two different sides of the Tweed. The academical authorities at Cambridge and Oxford stand in a parental relation to the student. They undertake, not merely to instruct him in philology, geometry, natural philosophy, but to form his religious opinions, and to watch over his morals. He is to be bred a Churchman. At Cambridge he cannot graduate, at Oxford, I believe, he cannot matriculate, without declaring himself a Churchman. The College is a large family. An undergraduate is lodged either within the gates, or in some private house licensed and regulated by the academical authorities. He is required to attend public worship according to the forms of the Church of England several times every week. It is the duty of one officer to note the absence of young men from divine service, of another to note their absence from the public table, of another to report those who return home at unseasonably late hours. An academical

police parades the streets at night to seize upon any unlucky reveller who may be found drunk or in bad company. There are punishments of various degrees for irregularities of conduct. Sometimes the offender has to learn a chapter of the Greek Testament; sometimes he is confined to his college; sometimes he is publicly reprimanded: for grave offences he is rusticated or expelled. Now, Sir, whether this system be good or bad, efficient or inefficient, I will not now inquire. This is evident; that religious tests are perfectly in harmony with such a system. Christ Church and King's College undertake to instruct every young man who goes to them in the doctrines of the Church of England, and to see that he regularly attends the worship of the Church of England. Whether this ought to be so, I repeat, I will not now inquire: but, while it is so, nothing can be more reasonable than to require from the rulers of Christ Church and King's College some declaration that they are themselves members of the Church of England.

The character of the Scotch Universities is altogether different. There you have no functionaries resembling the Vice Chancellors and Proctors, the Heads of Houses, Tutors, and Deans, whom I used to cap at Cambridge. There is no chapel; there is no academical authority entitled to ask a young man whether he goes to the parish church or the Quaker meeting, to synagogue or to mass. With his moral conduct the university has nothing to do. The Principal and the whole Academical Senate cannot put any restraint, or inflict any punishment, on a lad whom they may see lying dead drunk in the High Street of Edinburgh. In truth, a student at a Scotch university is in a situation closely resembling that of a medical student in London. There are great numbers of youths in London who attend St. George's Hospital, or St. Bartholomew's Hospital.

One of these youths may also go to Albemarle Street to hear Mr. Faraday lecture on chemistry, or to Willis's Rooms to hear Mr. Carlyle lecture on German literature. On the Sunday he goes perhaps to church, perhaps to the Roman Catholic chapel, perhaps to the Tabernacle, perhaps nowhere. None of the gentlemen whose lectures he has attended during the week has the smallest right to tell him where he shall worship, or to punish him for gambling in hells, or tippling in cider cellars. Surely we must all feel that it would be the height of absurdity to require Mr. Faraday and Mr. Carlyle to subscribe a confession of faith before they lecture; and in what does their situation differ from the situation of the Scotch professor?

In the peculiar character of the Scotch universities, therefore, I find a strong reason for the passing of this bill. I find a reason stronger still when I look at the terms of the engagements which exist between the English and Scotch nations.

Some gentlemen, I see, think that I am venturing on dangerous ground. We have been told, in confident tones, that, if we pass this bill, we shall commit a gross breach of public faith, we shall violate the Treaty of Union, and the Act of Security. With equal confidence, and with confidence much better grounded, I affirm that the Treaty of Union and the Act of Security not only do not oblige us to reject this bill, but do oblige us to pass this bill, or some bill nearly resembling this.

This proposition seems to be regarded by the Ministers as paradoxical: but I undertake to prove it by the plainest and fairest argument. I shall resort to no chicanery. If I did think that the safety of the commonwealth required that we should violate the Treaty of Union, I would violate it openly, and defend my conduct on the ground of necessity. It may, in an extreme case, be our duty

to break our compacts. It never can be our duty to quibble them away. What I say is that the Treaty of Union, construed, not with the subtlety of a pettifogger, but according to the spirit, binds us to pass this bill or some similar bill.

By the Treaty of Union it was covenanted that no person should be a teacher or office bearer in the Scotch Universities who should not declare that he conformed to the worship and polity of the Established Church of Scotland. What Church was meant by the two contracting parties? What Church was meant, more especially, by the party to the side of which we ought always to lean, I mean the weaker party? Surely the Church established in 1707, when the Union took place. Is, then, the Church of Scotland at the present moment constituted, on all points which the members of that Church think essential, exactly as it was constituted in 1707? Most assuredly not.

Every person who knows anything of the ecclesiastical history of Scotland knows that, ever since the Reformation, the great body of the Presbyterians of that country have held that congregations ought to have a share in the appointment of their ministers. This principle is laid down most distinctly in the First Book of Discipline, drawn up by John Knox. It is laid down, though not quite so strongly, in the Second Book of Discipline, drawn up by Andrew Melville. And I beg gentlemen, English gentlemen, to observe that in Scotland this is not regarded as a matter of mere expediency. All staunch Presbyterians think that the flock is entitled, *jure divino*, to a voice in the appointment of the pastor, and that to force a pastor on a parish to which he is unacceptable is a sin as much forbidden by the Word of God as idolatry or perjury. I am quite sure that I do not exaggerate when I say that the highest of our high churchmen at Oxford cannot

attach more importance to episcopal government and episcopal ordination than many thousands of Scotchmen, shrewd men, respectable men, men who fear God and honour the Queen, attach to this right of the people.

When, at the time of the Revolution, the Presbyterian worship and discipline were established in Scotland, the question of patronage was settled by a compromise, which was far indeed from satisfying men of extreme opinions, but which was generally accepted. An Act, passed at Edinburgh in 1690, transferred what we should call in England the advowsons from the old patrons to parochial councils, composed of the elders and the Protestant landowners. This system, however imperfect it might appear to such rigid Covenanters as Davie Deans and Gifted Gilfillan, worked satisfactorily; and the Scotch nation seems to have been contented with its ecclesiastical polity when the Treaty of Union was concluded. By that treaty the ecclesiastical polity of Scotland was declared to be unalterable. Nothing, therefore, can be more clear than that the Parliament of Great Britain was bound by the most sacred obligations not to revive those rights of patronage which the Parliament of Scotland had abolished.

But, Sir, the Union had not lasted five years when our ancestors were guilty of a great violation of public faith. The history of that great fault and of its consequences is full of interest and instruction. The wrong was committed hastily, and with contumelious levity. The offenders were doubtless far from foreseeing that their offence would be visited on the third and the fourth generation; that we should be paying in 1845 the penalty of what they did in 1712.

In 1712, Sir, the Whigs, who were the chief authors of the Union, had been driven from power. The prosecution of Sacheverell had made them odious

to the nation. The general election of 1710 had gone against them. Tory statesmen were in office. Tory squires formed more than five-sixths of this House. The party which was uppermost thought that England had, in 1707, made a bad bargain, a bargain so bad that it could hardly be considered as binding. The guarantee so solemnly given to the Church of Scotland was a subject of loud and bitter complaint. The Ministers hated that Church much; and their chief supporters, the country gentlemen and country clergymen of England, hated it still more. Numerous petty insults were offered to the opinions, or, if you please, the prejudices of the Presbyterians. At length it was determined to go further, and to restore to the old patrons those rights which had been taken away in 1690. A bill was brought into this House, the history of which you may trace in our Journals. Some of the entries are very significant. In spite of all remonstrances the Tory majority would not hear of delay. The Whig minority struggled hard, appealed to the Act of Union and the Act of Security, and insisted on having both those Acts read at the table. The bill passed this House, however, before the people of Scotland knew that it had been brought in. For there were then neither reporters nor railroads; and intelligence from Westminster was longer in travelling to Cambridge than it now is in travelling to Aberdeen. The bill was in the House of Lords before the Church of Scotland could make her voice heard. Then came a petition from a committee appointed by the General Assembly to watch over the interests of religion while the General Assembly itself was not sitting. The first name attached to that petition is the name of Principal Carstairs, a man who had stood high in the esteem and favour of William the Third, and who had borne a chief part in establishing the Presbyterian Church in

Scotland. Carstairs and his colleagues appealed to the Act of Union, and implored the peers not to violate that Act. But party spirit ran high; public faith was disregarded; patronage was restored. To that breach of the Treaty of Union are to be directly ascribed all the schisms that have since rent the Church of Scotland.

I will not detain the House by giving a minute account of those schisms. It is enough to say that the law of patronage produced, first the secession of 1733 and the establishment of the Associate Synod, then the secession of 1752 and the establishment of the Relief Synod, and finally the great secession of 1843 and the establishment of the Free Church. Only two years have elapsed since we saw, with mingled admiration and pity, a spectacle worthy of the best ages of the Church. Four hundred and seventy ministers resigned their stipends, quitted their manses, and went forth committing themselves, their wives, their children, to the care of Providence. Their congregations followed them by thousands, and listened eagerly to the Word of Life in tents, in barns, or on those hills and moors where the stubborn Presbyterians of a former generation had prayed and sung their psalms in defiance of the boot of Lauderdale and of the sword of Dundee. The rich gave largely of their riches. The poor contributed with the spirit of her who put her two mites into the treasury of Jerusalem. Meanwhile, in all the churches of large towns, of whole counties, the established clergy were preaching to empty benches. And of these secessions every one may be distinctly traced to that violation of the Treaty of Union which was committed in 1712.

This, Sir, is the true history of dissent in Scotland; and, this being so, how can any man have the front to invoke the Treaty of Union and the Act of Security against those who are devotedly attached to

that system which the Treaty of Union and the Act of Security were designed to protect, and who are seceders only because the Treaty of Union and the Act of Security have been infringed? I implore gentlemen to reflect on the manner in which they and their fathers have acted towards the Scotch Presbyterians. First you bind yourselves by the most solemn obligations to maintain unaltered their Church as it was constituted in 1707. Five years later you alter the constitution of their Church in a point regarded by them as essential. In consequence of your breach of faith secession after secession takes place, till at length the Church of the State ceases to be the Church of the people. Then you begin to be squeamish. Then those articles of the Treaty of Union which, when they really were obligatory, you outrageously violated, now when they are no longer obligatory, now when it is no longer in your power to observe them according to the spirit, are represented as inviolable. You first, by breaking your word, turn hundreds of thousands of Churchmen into Dissenters; and then you punish them for being Dissenters, because, forsooth, you never break your word. If your consciences really are so tender, why do you not repeal the Act of 1712? Why do you not put the Church of Scotland back into the same situation in which she was in 1707? We have had occasion more than once in the course of this session to admire the casuistical skill of Her Majesty's Ministers. But I must say that even their scruple about slavegrown sugar, though that scruple is the laughing-stock of all Europe and all America, is respectable when compared with their scruple about the Treaty of Union. Is there the slightest doubt that every compact ought to be construed according to the sense in which it was understood by those who made it? And is there the slightest doubt as to the sense in which the compact between England

and Scotland was understood by those who made it? Suppose that we could call up from their graves the Presbyterian divines who then sate in the General Assembly. Suppose that we could call up Carstairs; that we could call up Boston, the author of the Fourfold State; that we could relate to them the history of the ecclesiastical revolutions which have, since their time, taken place in Scotland; and that we could then ask them, "Is the Established Church, or is the Free Church, identical with the Church which existed at the time of the Union?" Is it not quite certain what their answer would be? They would say, "Our Church, the Church which you promised to maintain unalterable, was not the Church which you protect, but the Church which you oppress. Our Church was the Church of Chalmers and Brewster, not the Church of Brice and Muir."

It is true, Sir, that the Presbyterian dissenters are not the only dissenters whom this bill will relieve. By the law, as it now stands, all persons who refuse to declare their approbation of the synodical polity, that is to say, all persons who refuse to declare that they consider episcopal government and episcopal ordination as, at least, matters altogether indifferent, are incapable of holding academical office in Scotland. Now, Sir, will any gentleman who loves the Church of England vote for maintaining this law? If, indeed, he were bound by public faith to maintain this law, I admit that he would have no choice. But I have proved, unless I greatly deceive myself, that he is not bound by public faith to maintain this law. Can he then conscientiously support the Ministers to-night? If he votes with them, he votes for persecuting what he himself believes to be the truth. He holds out to the members of his own Church lures to tempt them to renounce that Church, and to join themselves to a Church which he considers as less

pure. We may differ as to the propriety of imposing penalties and disabilities on heretics. But surely we shall agree in thinking that we ought not to punish men for orthodoxy.

I know, Sir, that there are many gentlemen who dislike innovation merely as innovation, and would be glad always to keep things as they are now. Even to this class of persons I will venture to appeal. I assure them that we are not the innovators. I assure them that our object is to keep things as they are and as they have long been. In form, I own, we are proposing a change ; but in truth we are resisting a change. The question really is, not whether we shall remove old tests, but whether we shall impose new ones. The law which we seek to repeal has long been obsolete. So completely have the tests been disused that, only the other day, the right honorable Baronet, the Secretary for the Home Department, when speaking in favour of the Irish Colleges Bill, told us that the Government was not making a rash experiment. "Our plan," he said, "has already been tried at Edinburgh, and has succeeded. At Edinburgh the tests have been disused near a hundred years." As to Glasgow the gentlemen opposite can give us full information from their own experience. For there are at least three members of the Cabinet who have been Lords Rectors ; the First Lord of the Treasury, and the Secretaries for the Home Department and the Colonial Department. They never took the test. They probably would not have taken it ; for they are all Episcopalians. In fact they belong to the very class which the test was especially meant to exclude. The test was not meant to exclude Presbyterian dissenters ; for the Presbyterian Church was not yet rent by any serious schism. Nor was the test meant to exclude the Roman Catholics ; for against the Roman Catholics there was already abundant security. The Protestant Episcopalian was the

enemy against whom it was, in 1707, thought peculiarly necessary to take precautions. That those precautions have long been disused the three members of the Cabinet whom I mentioned can certify.

On a sudden the law, which had long slept a deep sleep, has been awakened, stirred up, and put into vigorous action. These obsolete tests are now, it seems, to be exacted with severity. And why? Simply because an event has taken place which makes them ten times as unjust and oppressive as they would have been formerly. They were not required while the Established Church was the Church of the majority. They are to be required solely because a secession has taken place which has made the Established Church the Church of the minority. While they could have done little mischief they were suffered to lie neglected. They are now to be used, because a time has come at which they cannot be used without fatal consequences.

It is impossible for me to speak without indignation of those who have taken the lead in the work of persecution. Yet I must give them credit for courage. They have selected as their object of attack no less a man than Sir David Brewster, Principal of the University of Saint Andrews. I hold in my hand the libel, as it is technically called, in which a Presbytery of the Established Church demands that Sir David, for the crime of adhering to that ecclesiastical polity which was guaranteed to his country by the Act of Union, shall be "removed from his office, and visited with such other censure or punishment as the laws of the Church enjoin, for the glory of God, the safety of the Church, and the prosperity of the University, and to deter others holding the same important office from committing the like offence in all time coming, but that others may hear and fear the danger and detriment of following divisive courses." Yes; for the glory of God, the safety of the Church,

and the prosperity of the University. What right, Sir, have the authors of such an instrument as this to raise their voices against the insolence and intolerance of the Vatican? The glory of God! As to that, I will only say that this is not the first occasion on which the glory of God has been made a pretext for the injustice of man. The safety of the Church! Sir, if, which God forbid, that Church is really possessed by the evil spirit which actuates this Presbytery; if that Church, having recently lost hundreds of able ministers and hundreds of thousands of devout hearers, shall, instead of endeavouring, by meekness, and by redoubled diligence, to regain those whom she has estranged, give them new provocation! if she shall sharpen against them an old law the edge of which has long rusted off, and which, when it was first made, was made not for her defence, but for theirs; then I pronounce the days of that Church numbered. As to the prosperity of the University, is there a corner of Europe where men of science will not laugh when they hear that the prosperity of the University of Saint Andrews is to be promoted by expelling Sir David Brewster on account of a theological squabble? The professors of Edinburgh know better than this Presbytery how the prosperity of a seat of learning is to be promoted. There the Academic Senate is almost unanimous in favour of the bill. And indeed it is quite certain that, unless this bill, or some similar bill, be passed, a new college will soon be founded and endowed with that munificence of which the history of the Free Church furnishes so many examples. From the day on which such an university arises, the old universities must decline. Now they are practically national, and not sectarian, institutions. And yet, even now, the emoluments of a professorship are so much smaller than those which ability and industry can obtain in other ways, that it is difficult to find eminent men to

fill the chairs. And if there be this difficulty now, when students of all religious persuasions attend the lectures, what is likely to happen when all the members of the Free Church go elsewhere for instruction? If there be this difficulty when you have all the world to choose professors from, what is likely to happen when your choice is narrowed to less than one half of Scotland? As the professorships become poorer, the professors will become less competent. As the professors become less competent, the classes will become thinner. As the classes become thinner, the professorships will again become poorer. The decline will become rapid and headlong. In a short time the lectures will be delivered to empty rooms: the grass will grow in the courts; and men not fit to be village dominies will occupy the chairs of Adam Smith and Dugald Stewart, of Reid and Black, of Playfair and Jamieson.

How do Her Majesty's Ministers like such a prospect as this? Already they have, whether by their fault or their misfortune I will not now inquire, secured for themselves an uneviable place in the history of Scotland. Their names are already inseparably associated with the disruption of her Church. Are those names to be as inseparably associated with the ruin of her Universities?

If the Government were consistent in error, some respect might be mingled with our disapprobation. But a Government which is guided by no principle; a Government which, on the gravest questions, does not know its own mind twenty-four hours together; a Government which is against tests at Cork, and for tests at Glasgow, against tests at Belfast, and for tests at Edinburgh, against tests on the Monday, for them on the Wednesday, against them again on the Thursday,—how can such a Government command esteem or confidence? How can the Ministers wonder that their uncertain and capricious liberality

fails to obtain the applause of the liberal party? What right have they to complain if they lose the confidence of half the nation without gaining the confidence of the other half?

But I do not speak to the Government. I speak to the House. I appeal to those who, on Monday last, voted with the Ministers against the test proposed by the honorable Baronet the Member for North Devon. I know what is due to party ties. But there is a mire so black and so deep that no leader has a right to drag his followers through it. It is only forty-eight hours since honorable gentlemen were brought down to the House to vote against requiring the professors in the Irish Colleges to make a declaration of belief in the Gospel: and now the same gentlemen are expected to come down and to vote that no man shall be a professor in a Scottish College who does not declare himself a Calvinist and a Presbyterian. Flagrant as is the injustice with which the Ministers have on this occasion treated Scotland, the injustice with which they have treated their own supporters is more flagrant still. I call on all who voted with the Government on Monday to consider whether they can consistently and honorably vote with the Government to-night: I call on all members of the Church of England to ponder well before they make it penal to be a member of the Church of England; and, lastly, I call on every man of every sect and party who loves science and letters, who is solicitous for the public tranquillity, who respects the public faith, to stand by us in this our hard struggle to avert the ruin which threatens the Universities of Scotland. I move that this bill be now read a second time.

A SPEECH

DELIVERED AT

EDINBURGH ON THE 2ND OF DECEMBER, 1845.

The following Speech was delivered at a public meeting held at Edinburgh on the second of December, 1845, for the purpose of petitioning Her Majesty to open the ports of the United Kingdom for the free admission of corn and other food.

MY LORD PROVOST AND GENTLEMEN,

YOU will, I hope, believe that I am deeply sensible of the kindness with which you have received me. I only beg that you will continue to extend your indulgence to me, if it should happen that my voice should fail me in the attempt to address you. I have thought it my duty to obey your summons, though I am hardly equal to the exertion of public speaking, and though I am so situated that I can pass only a few hours among you. But it seemed to me that this was not an ordinary meeting or an ordinary crisis. It seemed to me that a great era had arrived, and that, at such a conjuncture, you were entitled to know the opinions and intentions of one who has the honour of being your representative.

With respect to the past, gentlemen, I have perhaps a little to explain, but certainly nothing to repent or to retract. My opinions, from the day on which I entered public life, have never varied. I

have always considered the principle of protection to agriculture as a vicious principle. I have always thought that this vicious principle took, in the Act of 1815, in the Act of 1828, and in the Act of 1842, a singularly vicious form. This I declared twelve years ago, when I stood for Leeds: this I declared in May, 1839, when I first presented myself before you; and when, a few months later, Lord Melbourne invited me to become a member of his Government, I distinctly told him that, in office or out of office, I must vote for the total repeal of the corn laws.

But in the year 1841 a very peculiar crisis arrived. There was reason to hope that it might be possible to effect a compromise, which would not indeed wholly remove the evils inseparable from a system of protection, but which would greatly mitigate them. There were some circumstances in the financial situation of the country which led those who were then the advisers of the Crown to hope that they might be able to get rid of the sliding scale, and to substitute for it a moderate fixed duty. We proposed a duty of eight shillings a quarter on wheat. The Parliament refused even to consider our plan. Her Majesty appealed to the people. I presented myself before you; and you will bear me witness that I disguised nothing. I said, "I am for a perfectly free trade in corn: but I think that, situated as we are, we should do well to consent to a compromise. If you return me to Parliament, I shall vote for the eight shilling duty. It is for you to determine whether, on those terms, you will return me or not." You agreed with me. You sent me back to the House of Commons on the distinct understanding that I was to vote for the plan proposed by the Government of which I was a member. As soon as the new Parliament met, a change of administration took place. But it seemed to me that it was my duty to support, when out of place, that propo-

sition to which I had been a party when I was in place. I therefore did not think myself justified in voting for a perfectly free trade, till Parliament had decided against our fixed duty, and in favour of Sir Robert Peel's new sliding scale. As soon as that decision had been pronounced, I conceived that I was no longer bound by the terms of the compromise which I had, with many misgivings, consented to offer to the agriculturists, and which the agriculturists had refused to accept. I have ever since voted in favour of every motion which has been made for the total abolition of the duties on corn.

There has been, it is true, some difference of opinion between me and some of you. We belonged to the same camp: but we did not quite agree as to the mode of carrying on the war. I saw the immense strength of the interests which were arrayed against us. I saw that the corn monopoly would last for ever if those who defended it were united, while those who assailed it were divided. I saw that many men of distinguished abilities and patriotism, such men as Lord John Russell, Lord Howick, Lord Morpeth, were unwilling to relinquish all hope that the question might be settled by a compromise such as had been proposed in 1841. It seemed to me that the help of such men was indispensable to us, and that, if we drove from us such valuable allies, we should be unable to contend against the common enemy. Some of you thought that I was timorous, and others that I was misled by party spirit or by personal friendship. I still think that I judged rightly. But I will not now argue the question. It has been set at rest for ever, and in the best possible way. It is not necessary for us to consider what relations we ought to maintain with the party which is for a moderate fixed duty. That party has disappeared. Time, and reflection, and discussion, have produced their natural effect on minds eminently intelligent

and candid. No intermediate shades of opinion are now left. There is no twilight. The light has been divided from the darkness. Two parties are ranged in battle array against each other. There is the standard of monopoly. Here is the standard of free trade; and by the standard of free trade I pledge myself to stand firmly.

Gentlemen, a resolution has been put into my hands which I shall move with the greatest pleasure. That resolution sets forth in emphatic language a truth of the highest importance, namely, that the present corn laws press with especial severity on the poor. There was a time, gentlemen, when politicians were not ashamed to defend the corn laws merely as contrivances for putting the money of the many into the pockets of the few. We must,—so these men reasoned,—have a powerful and opulent class of grandees: that we may have such grandees, the rent of land must be kept up: and that the rent of land may be kept up, the price of bread must be kept up. There may still be people who think thus: but they wisely keep their thoughts to themselves. Nobody now ventures to say in public that ten thousand families ought to be put on short allowance of food in order that one man may have a fine stud and a fine picture gallery. Our monopolists have changed their ground. They have abandoned their old argument for a new argument much less invidious, but, I think, rather more absurd. They have turned philanthropists. Their hearts bleed for the misery of the poor labouring man. They constantly tell us that the cry against the corn laws has been raised by capitalists; that the capitalist wishes to enrich himself at the expense both of the landed gentry and of the working people; that every reduction of the price of food must be followed by a reduction of the wages of labour; and that, if bread should cost only half what it now costs, the peasant and the

artisan would be sunk in wretchedness and degradation, and the only gainers would be the millowners and the moneychangers. It is not only by landowners, it is not only by Tories, that this nonsense has been talked. We have heard it from men of a very different class, from demagogues who wish to keep up the corn laws, merely in order that the corn laws may make the people miserable, and that misery may make the people turbulent. You know how assiduously those enemies of all order and all property have laboured to deceive the working man into a belief that cheap bread would be a curse to him. Nor have they always laboured in vain. You remember that once, even in this great and enlightened city, a public meeting called to consider the corn laws was disturbed by a deluded populace. Now, for my own part, whenever I hear bigots who are opposed to all reform, and anarchists who are bent on universal destruction, join in the same cry, I feel certain that it is an absurd and mischievous cry; and surely never was there a cry so absurd and mischievous as this cry against cheap loaves. It seems strange that Conservatives, people who profess to hold new theories in abhorrence, people who are always talking about the wisdom of our ancestors, should insist on our receiving as an undoubted truth a strange paradox never heard of from the creation of the world till the nineteenth century. Begin with the most ancient book extant, the Book of Genesis, and come down to the parliamentary debates of 1815; and I will venture to say that you will find that, on this point, the party which affects profound reverence for antiquity and prescription has against it the unanimous voice of thirty-three centuries. If there be anything in which all peoples, nations, and languages, Jews, Greeks, Romans, Italians, Frenchmen, Englishmen, have agreed, it has been this, that the dearness of food is a great evil to the poor. Surely,

the arguments which are to counterbalance such a mass of authority ought to be weighty. What then are those arguments? I know of only one. If any gentleman is acquainted with any other, I wish that he would communicate it to us; and I will engage that he shall have a fair and full hearing. The only argument that I know of is this, that there are some countries in the world where food is cheaper than in England, and where the people are more miserable than in England. Bengal has been mentioned. But Poland is the favourite case. Whenever we ask why there should not be a free trade in corn between the Vistula and the Thames, the answer is, "Do you wish our labourers to be reduced to the condition of the peasants of the Vistula?" Was such reasoning ever heard before? See how readily it may be turned against those who use it. Corn is cheaper at Cincinnati than here: but the wages of the labourer are much higher at Cincinnati than here: therefore, the lower the price of food, the higher the wages will be. This reasoning is just as good as the reasoning of our adversaries: that is to say, it is good for nothing. It is not one single cause that makes nations either prosperous or miserable. No friend of free trade is such an idiot as to say that free trade is the only valuable thing in the world; that religion, government, police, education, the administration of justice, public expenditure, foreign relations, have nothing whatever to do with the well-being of nations; that people sunk in superstition, slavery, barbarism, must be happy if they have only cheap food. These gentlemen take the most unfortunate country in the world, a country which, while it had an independent government, had the very worst of independent governments; the sovereign a mere phantom; the nobles defying him and quarrelling with each other; the great body of the population in a state of servitude; no middle class; no manufactures; scarcely

any trade, and that in the hands of Jew pedlars. Such was Poland while it was a separate kingdom. But foreign invaders came down upon it. It was conquered: it was reconquered: it was partitioned: it was repartitioned: it is now under a government of which I will not trust myself to speak. This is the country to which these gentlemen go to study the effect of low prices. When they wish to ascertain the effect of high prices, they take our own country; a country which has been during many generations the best governed in Europe; a country where personal slavery has been unknown during ages; a country which enjoys the blessings of a pure religion, of freedom, of order; a country long secured by the sea against invasion; a country in which the oldest man living has never seen a foreign flag except as a trophy. Between these two countries our political philosophers institute a comparison. They find the Briton better off than the Pole; and they immediately come to the conclusion that the Briton is so well off because his bread is dear, and the Pole so ill off because his bread is cheap. Why, is there a single good which in this way I could not prove to be an evil, or a single evil which I could not prove to be a good? Take lameness. I will prove that it is the best thing in the world to be lame: for I can show you men who are lame, and yet much happier than many men who have the full use of their legs. I will prove health to be a calamity. For I can easily find you people in excellent health whose fortunes have been wrecked, whose character has been blasted, and who are more wretched than many invalids. But is that the way in which any man of common sense reasons? No; the question is: Would not the lame man be happier if you restored to him the use of his limbs? Would not the healthy man be more wretched if he had gout and rheumatism in addition to all his other

calamities? Would not the Englishman be better off if food were as cheap here as in Poland? Would not the Pole be more miserable if food were as dear in Poland as here? More miserable indeed he would not long be; for he would be dead in a month.

It is evident that the true way of determining the question which we are considering, is to compare the state of a society when food is cheap with the state of that same society when food is dear; and this is a comparison which we can very easily make. We have only to recall to our memory what we have ourselves seen within the last ten years. Take the year 1835. Food was cheap then; and the capitalist prospered greatly. But was the labouring man miserable? On the contrary, it is notorious that work was plentiful, that wages were high, that the common people were thriving and contented. Then came a change like that in Pharaoh's dream. The thin ears had blighted the full ears; the lean kine had devoured the fat kine; the days of plenty were over; and the days of dearth had arrived. In 1841 the capitalist was doubtless distressed. But will anybody tell me that the capitalist was the only sufferer, or the chief sufferer? Have we forgotten what was the condition of the working people in that unhappy year? So visible was the misery of the manufacturing towns that a man of sensibility could hardly bear to pass through them. Everywhere he found filth and nakedness, and plaintive voices, and wasted forms, and haggard faces. Politicians who had never been thought alarmists began to tremble for the very foundations of society. First the mills were put on short time. Then they ceased to work at all. Then went to pledge the scanty property of the artizan; first his little luxuries, then his comforts, then his necessaries. The hovels were stripped till they were as bare as the wigwam of a Dogribbed Indian. Alone, amidst the general misery, the shop with the

three golden balls prospered, and was crammed from cellar to garret with the clocks and the tables, and the kettles, and the blankets, and the bibles of the poor. I remember well the effect which was produced in London by the unwonted sight of the huge pieces of cannon which were going northward to overawe the starving population of Lancashire. Those evil days passed away. Since that time we have again had cheap bread. The capitalist has been a gainer. It was fit that he should be a gainer. But has he been the only gainer? Will those who are always telling us that the Polish labourer is worse off than the English labourer venture to tell us that the English labourer was worse off in 1844 than in 1841? Have we not everywhere seen the goods of the poor coming back from the magazine of the pawnbroker? Have we not seen in the house of the working man, in his clothing, in his very looks as he passed us in the streets, that he was a happier being? As to his pleasures, and especially as to the most innocent, the most salutary, of his pleasures, ask your own most intelligent and useful fellow citizen Mr. Robert Chambers what sale popular books had in the year 1841, and what sale they had last year. I am assured that, in one week of 1845, the sums paid in wages within twenty miles of Manchester exceeded by a million and a half the sums paid in the corresponding week of 1841.

Gentlemen, both the capitalist and the labourer have been gainers, as they ought to have been gainers, by the diminution in the price of bread. But there is a third party, which ought not to have gained by that diminution, and yet has gained very greatly by it; and that party is Her Majesty's present Government. It is for the interest of rulers that those whom they rule should be prosperous. But the prosperity which we have lately enjoyed was a prosperity for which we were not indebted to our

rulers. It came in spite of them. It was produced by the cheapness of that which they had laboured to render dear. Under pretence of making us independent of foreign supply, they have established a system which makes us dependent in the worst possible way. As my valued friend, the Lord Provost,[1] has justly said, there is a mutual dependence among nations of which we cannot get rid. That Providence has assigned different productions to different climates is a truth with which everybody is familiar. But this is not all. Even in the same climate different productions belong to different stages of civilisation. As one latitude is favourable to the vine and another to the sugar cane, so there is, in the same latitude, a state of society in which it is desirable that the industry of men should be almost entirely directed towards the cultivation of the earth, and another state of society in which it is desirable that a large part of the population should be employed in manufactures. No dependence can be conceived more natural, more salutary, more free from everything like degradation than the mutual dependence which exists between a nation which has a boundless extent of fertile land, and a nation which has a boundless command of machinery; between a nation whose business is to turn deserts into corn-fields, and a nation whose business is to increase tenfold by ingenious processes the value of the fleece and of the rude iron ore. Even if that dependence were less beneficial than it is, we must submit to it; for it is inevitable. Make what laws we will, we must be dependent on other countries for a large part of our food. That point was decided when England ceased to be an exporting country. For, gentlemen, it is demonstrable that none but a country which ordinarily exports food can be independent of foreign supplies. If a manufacturer

[1] Mr. Adam Black.

determines to produce ten thousand pair of stockings, he will produce the ten thousand, and neither more nor less. But an agriculturist cannot determine that he will produce ten thousand quarters of corn, and neither more nor less. That he may be sure of having ten thousand quarters in a bad year, he must sow such a quantity of land that he will have much more than ten thousand in a good year. It is evident that, if our island does not in ordinary years produce many more quarters than we want, it will in bad years produce fewer quarters than we want. And it is equally evident that our cultivators will not produce more quarters of corn than we want, unless they can export the surplus at a profit. Nobody ventures to tell us that Great Britain can be ordinarily an exporting country. It follows that we must be dependent; and the only question is, Which is the best mode of dependence? That question it is not difficult to answer. Go to Lancashire; see that multitude of cities, some of them equal in size to the capitals of large kingdoms. Look at the warehouses, the machinery, the canals, the railways, the docks. See the stir of that hive of human beings busily employed in making, packing, conveying stuffs which are to be worn in Canada and Caffraria, in Chili and Java. You naturally ask, How is this immense population, collected on an area which will not yield food for one tenth part of them, to be nourished? But change the scene. Go beyond the Ohio, and there you will see another species of industry, equally extensive and equally flourishing. You will see the wilderness receding fast before the advancing tide of life and civilisation, vast harvests waving round the black stumps of what a few months ago was a pathless forest, and cottages, barns, mills, rising amidst the haunts of the wolf and the bear. Here is more than enough corn to feed the artisans of our thickly peopled island; and most gladly would the grower

of that corn exchange it for a Sheffield knife, a Birmingham spoon, a warm coat of Leeds woollen cloth, a light dress of Manchester cotton. But this exchange our rulers prohibit. They say to our manufacturing population, "You would willingly weave clothes for the people of America, and they would gladly sow wheat for you; but we prohibit this intercourse. We condemn both your looms and their ploughs to inaction. We will compel you to pay a high price for a stinted meal. We will compel those who would gladly be your purveyors and your customers to be your rivals. We will compel them to turn manufacturers in self defence; and when, in close imitation of us, they impose high duties on British goods for the protection of their own produce, we will, in our speeches and despatches, express wonder and pity at their strange ignorance of political economy."

Such has been the policy of Her Majesty's Ministers; but it has not yet been fairly brought to the trial. Good harvests have prevented bad laws from producing their full effect. The Government has had a run of luck; and vulgar observers have mistaken luck for wisdom. But such runs of luck do not last for ever. Providence will not always send the rain and the sunshine just at such a time and in such a quantity as to save the reputation of shortsighted statesmen. There is too much reason to believe that evil days are approaching. On such a subject it is a sacred duty to avoid exaggeration; and I shall do so. I observe that the writers,—wretched writers they are,—who defend the present Administration, assert that there is no probability of a considerable rise in the price of provisions, and that the Whigs and the Anti-Corn-Law League are busily engaged in circulating false reports for the vile purpose of raising a panic. Now, gentlemen, it shall not be in the power of anybody to throw any

such imputation on me; for I shall describe our prospects in the words of the Ministers themselves. I hold in my hand a letter in which Sir Thomas Freemantle, Secretary for Ireland, asks for information touching the potato crop in that country. His words are these. "Her Majesty's Government is seeking to learn the opinion of judges and well informed persons in every part of Ireland regarding the probability of the supply being sufficient for the support of the people during the ensuing winter and spring, provided care be taken in preserving the stock, and economy used in its consumption." Here, you will observe, it is taken for granted that the supply is not sufficient for a year's consumption: it is taken for granted that, without care and economy, the supply will not last to the end of the spring; and a doubt is expressed whether, with care and economy, the supply will last even through the winter. In this letter the Ministers of the Crown tell us that famine is close at hand; and yet, when this letter was written, the duty on foreign corn was seventeen shillings a quarter. Is it necessary to say more about the merits of the sliding scale? We were assured that this wonderful piece of machinery would secure us against all danger of scarcity. But unhappily we find that there is a hitch; the sliding scale will not slide: the Ministers are crying "Famine," while the index which they themselves devised is still pointing to "Plenty."

And thus, Sir, I come back to the resolution which I hold in my hand. A dear year is before us. The price of meal is already, I believe, half as much again as it was a few months ago. Again, unhappily, we are able to bring to the test of facts the doctrine, that the dearness of food benefits the labourer and injures only the capitalist. The price of food is rising. Are wages rising? On the contrary, they are falling. In numerous districts the symptoms of

distress are already perceptible. The manufacturers are already beginning to work short time. Warned by repeated experience, they know well what is coming, and expect that 1846 will be a second 1841.

If these things do not teach us wisdom, we are past all teaching. Twice in ten years we have seen the price of corn go up; and, as it went up, the wages of the labouring classes went down. Twice in the same period we have seen the price of corn go down; and, as it went down, the wages of the labouring classes went up. Surely such experiments as these would in any science be considered as decisive.

The prospect, gentlemen, is, doubtless, gloomy. Yet it has its bright part. I have already congratulated you on the important fact that Lord John Russell, and those who have hitherto acted on this subject in concert with him, have given up all thoughts of a fixed duty. I have to congratulate you on another fact not less important. I am assured that the working people of the manufacturing districts have at last come to understand this question. The sharp discipline which they have undergone has produced this good effect, that they will never again listen to any orator who shall have the effrontery to tell them that their wages rise and fall with the price of the loaf. Thus we shall go into the contest under such leading and with such a following as we never had before. The best part of the aristocracy will be at our head. Millions of labouring men, who had been separated from us by the arts of impostors, will be in our rear. So led and so followed, we may, I think, look forward to victory, if not in this, yet in the next Parliament. But, whether our triumph be near or remote, I assure you that I shall not fail, as regards this question, to prove myself your true representative. I will now, my Lord, put into your hands this resolution, "That the present corn law presses with especial severity on the poorer classes."

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 22ND OF MAY, 1846.

On the twenty-ninth of April, 1846, Mr. Fielden, Member for Oldham, moved the second reading of a Bill for limiting the labour of young persons in factories to ten hours a day. The debate was adjourned, and was repeatedly resumed at long intervals. At length on the twenty-second of May the bill was rejected by 203 votes to 193. On that day the following Speech was made.

IT is impossible, Sir, that I can remain silent after the appeal which has been made to me in so pointed a manner by my honorable friend the Member for Sheffield.[1] And even if that appeal had not been made to me, I should have been very desirous to have an opportunity of explaining the grounds on which I shall vote for the second reading of this bill.

It is, I hope, unnecessary for me to assure my honorable friend that I utterly disapprove of those aspersions which have, both in this House and out of it, been thrown on the owners of factories. For that valuable class of men I have no feeling but respect and goodwill. I am convinced that with their interests the interests of the whole community, and especially of the labouring classes, are inseparably bound up. I can also with perfect sincerity declare that the vote which I shall give to-night will not be

[1] Mr. Ward.

a factious vote. In no circumstances indeed should I think that the laws of political hostility warranted me in treating this question as a party question. But at the present moment I would much rather strengthen than weaken the hands of Her Majesty's Ministers. It is by no means pleasant to me to be under the necessity of opposing them. I assure them, I assure my friends on this side of the House with whom I am so unfortunate as to differ, and especially my honorable friend the Member for Sheffield who spoke, I must say, in rather too plaintive a tone, that I have no desire to obtain credit for humanity at their expense. I fully believe that their feeling towards the labouring people is quite as kind as mine. There is no difference between us as to ends: there is an honest difference of opinion as to means: and we surely ought to be able to discuss the points on which we differ without one angry emotion or one acrimonious word.

The details of the bill, Sir, will be more conveniently and more regularly discussed when we consider it in Committee. Our business at present is with the principle: and the principle, we are told by many gentlemen of great authority, is unsound. In their opinion, neither this bill, nor any other bill regulating the hours of labour, can be defended. This, they say, is one of those matters about which we ought not to legislate at all: one of those matters which settle themselves far better than any government can settle them. Now it is most important that this point should be fully cleared up. We certainly ought not to usurp functions which do not properly belong to us: but, on the other hand, we ought not to abdicate functions which do properly belong to us. I hardly know which is the greater pest to society, a paternal government, that is to say, a prying, meddlesome government, which intrudes itself into every part of human life, and

which thinks that it can do everything for everybody better than anybody can do anything for himself; or a careless, lounging government, which suffers grievances, such as it could at once remove, to grow and multiply, and which to all complaint and remonstrance has only one answer: "We must let things alone: we must let things take their course: we must let things find their level." There is no more important problem in politics than to ascertain the just mean between these two most pernicious extremes, to draw correctly the line which divides those cases in which it is the duty of the State to interfere from those cases in which it is the duty of the State to abstain from interference. In old times the besetting sin of rulers was undoubtedly an inordinate disposition to meddle. The lawgiver was always telling people how to keep their shops, how to till their fields, how to educate their children, how many dishes to have on their tables, how much a yard to give for the cloth which made their coats. He was always trying to remedy some evil which did not properly fall within his province; and the consequence was that he increased the evils which he attempted to remedy. He was so much shocked by the distress inseparable from scarcity that he made statutes against forestalling and regrating, and so turned the scarcity into a famine. He was so much shocked by the cunning and hardheartedness of moneylenders that he made laws against usury; and the consequence was that the borrower, who, if he had been left unprotected, would have got money at ten per cent., could hardly, when protected, get it at fifteen per cent. Some eminent political philosophers of the last century exposed with great ability the folly of such legislation, and, by doing so, rendered a great service to mankind. There has been a reaction, a reaction which has doubtless produced much good, but which, like most reactions, has not been without evils and dangers. Our statesmen cannot now be accused of

being busybodies. But I am afraid that there is, even in some of the ablest and most upright among them, a tendency to the opposite fault. I will give an instance of what I mean. Fifteen years ago it became evident that railroads would soon, in every part of the kingdom, supersede to a great extent the old highways. The tracing of the new routes which were to join all the chief cities, ports, and naval arsenals of the island was a matter of the highest national importance. But unfortunately, those who should have acted for the nation refused to interfere. Consequently, numerous questions which were really public, questions which concerned the public convenience, the public prosperity, the public security, were treated as private questions. That the whole society was interested in having a good system of internal communication seemed to be forgotten. The speculator who wanted a large dividend on his shares, the landowner who wanted a large price for his acres, obtained a full hearing. But nobody applied to be heard on behalf of the community. The effects of that great error we feel, and we shall not soon cease to feel. Unless I am greatly mistaken, we are in danger of committing to-night an error of the same kind. The honorable Member for Montrose[1] and my honorable friend the Member for Sheffield think that the question before us is merely a question between the old and the new theories of commerce. They cannot understand how any friend of free trade can wish the Legislature to interfere between the capitalist and the labourer. They say, "You do not make a law to settle the price of gloves, or the texture of gloves, or the length of credit which the glover shall give. You leave it to him to determine whether he will charge high or low prices, whether he will use strong or flimsy materials, whether he will trust or insist on ready money.

[1] Mr. Hume.

You acknowledge that these are matters which he ought to be left to settle with his customers, and that we ought not to interfere. It is possible that he may manage his shop ill. But it is certain that we shall manage it ill. On the same grounds on which you leave the seller of gloves and the buyer of gloves to make their own contract, you ought to leave the seller of labour and the buyer of labour to make their own contract."

I have a great respect, Sir, for those who reason thus: but I cannot see this matter in the light in which it appears to them; and, though I may distrust my own judgment, I must be guided by it. I am, I believe, as strongly attached as any member of this House to the principle of free trade, rightly understood. Trade, considered merely as trade, considered merely with reference to the pecuniary interest of the contracting parties, can hardly be too free. But there is a great deal of trade, which cannot be considered merely as trade, and which affects higher than pecuniary interests. And to say that Government never ought to regulate such trade is a monstrous proposition, a proposition at which Adam Smith would have stood aghast. We impose some restrictions on trade for purposes of police. Thus, we do not suffer everybody who has a cab and a horse to ply for passengers in the streets of London. We do not leave the fare to be determined by the supply and the demand. We do not permit a driver to extort a guinea for going half a mile on a rainy day when there is no other vehicle on the stand. We impose some restrictions on trade for the sake of revenue. Thus, we forbid a farmer to cultivate tobacco on his own ground. We impose some restrictions on trade for the sake of national defence. Thus, we compel a man who would rather be ploughing or weaving to go into the militia; and we fix the amount of pay which he shall receive

without asking his consent. Nor is there in all this anything inconsistent with the soundest political economy. For the science of political economy teaches us only that we ought not on commercial grounds to interfere with the liberty of commerce; and we, in the cases which I have put, interfere with the liberty of commerce on higher than commercial grounds.

And now, Sir, to come closer to the case with which we have to deal, I say, first, that where the health of the community is concerned, it may be the duty of the State to interfere with the contracts of individuals; and to this proposition I am quite sure that Her Majesty's Government will cordially assent. I have just read a very interesting report signed by two members of that Government, the Duke of Buccleuch, and the noble earl who was lately Chief Commissioner of the Woods and Forests, and who is now Secretary for Ireland;[1] and, since that report was laid before the House, the noble earl himself has, with the sanction of the Cabinet, brought in a bill for the protection of the public health. By this bill it is provided that no man shall be permitted to build a house on his own land in any great town without giving notice to certain Commissioners. No man is to sink a cellar without the consent of these Commissioners. The house must not be of less than a prescribed width. No new house must be built without a drain. If an old house has no drain, the Commissioners may order the owner to make a drain. If he refuses, they make a drain for him, and send him in the bill. They may order him to whitewash his house. If he refuses, they may send people with pails and brushes to whitewash it for him, at his charge. Now, suppose that some proprietor of houses at Leeds or Manchester were to expostulate with the Government in

[1] The Earl of Lincoln.

the language in which the Government has expostulated with the supporters of this bill for the regulation of factories. Suppose that he were to say to the noble earl, "Your lordship professes to be a friend to free trade. Your lordship's doctrine is that everybody ought to be at liberty to buy cheap and to sell dear. Why then may not I run up a house as cheap as I can, and let my rooms as dear as I can? Your lordship does not like houses without drains. Do not take one of mine then. You think my bedrooms filthy. Nobody forces you to sleep in them. Use your own liberty: but do not restrain that of your neighbours. I can find many a family willing to pay a shilling a week for leave to live in what you call a hovel. And why am not I to take the shilling which they are willing to give me? And why are not they to have such shelter as, for that shilling, I can afford them? Why did you send a man without my consent to clean my house, and then force me to pay for what I never ordered? My tenants thought the house clean enough for them; or they would not have been my tenants: and if they and I were satisfied, why did you, in direct defiance of all the principles of free trade, interfere between us?" This reasoning, Sir, is exactly of a piece with the reasoning of the honorable Member for Montrose, and of my honorable friend the Member for Sheffield. If the noble earl will allow me to make a defence for him, I believe that he would answer the objection thus: "I hold," he would say, "the sound doctrine of free trade. But your doctrine of free trade is an exaggeration, a caricature of the sound doctrine; and by exhibiting such a caricature you bring discredit on the sound doctrine. We should have nothing to do with the contracts between you and your tenants, if those contracts affected only pecuniary interests. But higher than pecuniary interests are at stake. It concerns the common-

wealth that the great body of the people should not live in a way which makes life wretched and short, which enfeebles the body and pollutes the mind. If, by living in houses which resemble hogstyes, great numbers of our countrymen have contracted the tastes of hogs, if they have become so familiar with filth and stench and contagion, that they burrow without reluctance in holes which would turn the stomach of any man of cleanly habits, that is only an additional proof that we have too long neglected our duties, and an additional reason for our now performing them."

Secondly, I say that where the public morality is concerned it may be the duty of the State to interfere with the contracts of individuals. Take the traffic in licentious books and pictures. Will anybody deny that the State may, with propriety, interdict that traffic? Or take the case of lotteries. I have, we will suppose, an estate for which I wish to get twenty thousand pounds. I announce my intention to issue a thousand tickets at twenty pounds each. The holder of the number which is first drawn is to have the estate. But the magistrate interferes; the contract between me and the purchasers of my tickets is annulled; and I am forced to pay a heavy penalty for having made such a contract. I appeal to the principle of free trade, as expounded by the honorable gentlemen the Members for Montrose and Sheffield. I say to you, the legislators who have restricted my liberty, "What business have you to interfere between a buyer and a seller? If you think the speculation a bad one, do not take tickets. But do not interdict other people from judging for themselves." Surely you would answer, "You would be right if this were a mere question of trade: but it is a question of morality. We prohibit you from disposing of your property in this particular mode, because it is a

mode which tends to encourage a most pernicious habit of mind, a habit of mind incompatible with all the qualities on which the wellbeing of individuals and of nations depends."

It must then, I think, be admitted that where health is concerned, and where morality is concerned, the State is justified in interfering with the contracts of individuals. And, if this be admitted, it follows that the case with which we now have to do is a case for interference.

Will it be denied that the health of a large part of the rising generation may be seriously affected by the contracts which this bill is intended to regulate? Can any man who has read the evidence which is before us, can any man who has ever observed young people, can any man who remembers his own sensations when he was young, doubt that twelve hours a day of labour in a factory is too much for a lad of thirteen?

Or will it be denied that this is a question in which public morality is concerned? Can any one doubt,—none, I am sure, of my friends around me doubts,—that education is a matter of the highest importance to the virtue and happiness of a people? Now we know that there can be no education without leisure. It is evident that, after deducting from the day twelve hours for labour in a factory, and the additional hours necessary for exercise, refreshment, and repose, there will not remain time enough for education.

I have now, I think, shown that this bill is not in principle objectionable; and yet I have not touched the strongest part of our case. I hold that, where public health is concerned, and where public morality is concerned, the State may be justified in regulating even the contracts of adults. But we propose to regulate only the contracts of infants. Now was there ever a civilised society in which the

contracts of infants were not under some regulation? Is there a single member of this House who will say that a wealthy minor of thirteen ought to be at perfect liberty to execute a conveyance of his estate, or to give a bond for fifty thousand pounds? If anybody were so absurd as to say, "What has the Legislature to do with the matter? Why cannot you leave trade free? Why do you pretend to understand the boy's interest better than he understands it?"—you would answer; "When he grows up, he may squander his fortune away if he likes: but at present the State is his guardian; and he shall not ruin himself till he is old enough to know what he is about." The minors whom we wish to protect have not indeed large property to throw away: but they are not the less our wards. Their only inheritance, the only fund to which they must look for their subsistence through life, is the sound mind in the sound body. And is it not our duty to prevent them from wasting that most precious wealth before they know its value?

But, it is said, this bill, though it directly limits only the labour of infants, will, by an indirect operation, limit also the labour of adults. Now, Sir, though I am not prepared to vote for a bill directly limiting the labour of adults, I will plainly say that I do not think that the limitation of the labour of adults would necessarily produce all those frightful consequences which we have heard predicted. You cheer me in very triumphant tones, as if I had uttered some monstrous paradox. Pray, does it not occur to any of you that the labour of adults is now limited in this country? Are you not aware that you are living in a society in which the labour of adults is limited to six days in seven? It is you, not I, who maintain a paradox opposed to the opinions and the practices of all nations and ages. Did you ever hear of a single civilised State since the beginning of the

world in which a certain portion of time was not set apart for the rest and recreation of adults by public authority? In general, this arrangement has been sanctioned by religion. The Egyptians, the Jews, the Greeks, the Romans, had their holidays: the Hindoo has his holidays: the Mussulman has his holidays: there are holidays in the Greek Church, holidays in the Church of Rome, holidays in the Church of England. Is it not amusing to hear a gentleman pronounce with confidence that any legislation which limits the labour of adults must produce consequences fatal to society, without once reflecting that in the society in which he lives, and in every other society that exists, or ever has existed, there has been such legislation without any evil consequence? It is true that a Puritan Government in England, and an Atheistical Government in France, abolished the old holidays as superstitious. But those governments felt it to be absolutely necessary to institute new holidays. Civil festivals were substituted for religious festivals. You will find among the ordinances of the Long Parliament a law providing that, in exchange for the days of rest and amusement which the people had been used to enjoy at Easter, Whitsuntide, and Christmas, the second Tuesday of every month should be given to the working man, and that any apprentice who was forced to work on the second Tuesday of any month might have his master up before a magistrate. The French Jacobins decreed that the Sunday should no longer be a day of rest; but they instituted another day of rest, the Decade. They swept away the holidays of the Roman Catholic Church; but they instituted another set of holidays, the Sansculottides, one sacred to Genius, one to Industry, one to Opinion, and so on. I say, therefore, that the practice of limiting by law the time of the labour of adults, is so far from being, as some gentlemen seem to think,

an unheard of and monstrous practice, that it is a practice as universal as cookery, as the wearing of clothes, as the use of domestic animals.

And has this practice been proved by experience to be pernicious? Let us take the instance with which we are most familiar. Let us inquire what has been the effect of those laws which, in our own country, limit the labour of adults to six days in every seven. It is quite unnecessary to discuss the question whether Christians be or be not bound by a divine command to observe the Sunday. For it is evident that, whether our weekly holiday be of divine or of human institution, the effect on the temporal interests of society will be exactly the same. Now, is there a single argument in the whole Speech of my honorable friend the Member for Sheffield which does not tell just as strongly against the laws which enjoin the observance of the Sunday as against the bill on our table? Surely, if his reasoning is good for hours, it must be equally good for days.

He says, "If this limitation be good for the working people, rely on it that they will find it out, and that they will themselves establish it without any law." Why not reason in the same way about the Sunday? Why not say, "If it be a good thing for the people of London to shut their shops one day in seven, they will find it out, and will shut their shops without a law?" Sir, the answer is obvious. I have no doubt that, if you were to poll the shopkeepers of London, you would find an immense majority, probably a hundred to one, in favour of closing shops on the Sunday; and yet it is absolutely necessary to give to the wish of the majority the sanction of a law; for, if there were no such law, the minority, by opening their shops, would soon force the majority to do the same.

But, says my honorable friend, you cannot limit the labour of adults unless you fix wages. This

proposition he lays down repeatedly, assures us that it is incontrovertible, and indeed seems to think it self-evident; for he has not taken the trouble to prove it. Sir, my answer shall be very short. We have, during many centuries, limited the labour of adults to six days in seven; and yet we have not fixed the rate of wages.

But, it is said, you cannot legislate for all trades; and therefore you had better not legislate for any. Look at the poor sempstress. She works far longer and harder than the factory child. She sometimes plies her needle fifteen, sixteen hours in the twenty-four. See how the housemaid works, up at six every morning, and toiling up stairs and down stairs till near midnight. You own that you cannot do anything for the sempstress and the housemaid. Why then trouble yourself about the factory child? Take care that by protecting one class you do not aggravate the hardships endured by the classes which you cannot protect. Why, Sir, might not all this be said, word for word, against the laws which enjoin the observance of the Sunday? There are classes of people whom you cannot prevent from working on the Sunday. There are classes of people whom, if you could, you ought not to prevent from working on the Sunday. Take the sempstress of whom so much has been said. You cannot keep her from sewing and hemming all Sunday in her garret. But you do not think that a reason for suffering Covent Garden Market, and Leadenhall Market, and Smithfield Market, and all the shops from Mile End to Hyde Park to be open all Sunday. Nay, these factories about which we are debating,—does anybody propose that they shall be allowed to work all Sunday? See then how inconsistent you are. You think it unjust to limit the labour of the factory child to ten hours a day, because you cannot limit the labour of the sempstress. And yet you see no injus-

tice in limiting the labour of the factory child, aye, and of the factory man, to six days in the week, though you cannot limit the labour of the sempstress.

But, you say, by protecting one class we shall aggravate the sufferings of all the classes which we cannot protect. You say this; but you do not prove it; and all experience proves the contrary. We interfere on the Sunday to close the shops. We do not interfere with the labour of the housemaid. But are the housemaids of London more severely worked on the Sunday than on other days? The fact notoriously is the reverse. For your legislation keeps the public feeling in a right state, and thus protects indirectly those whom it cannot protect directly.

Will my honorable friend the Member for Sheffield maintain that the law which limits the number of working days has been injurious to the working population? I am certain that he will not. How then can he expect me to believe that a law which limits the number of working hours must necessarily be injurious to the working population? Yet he and those who agree with him seem to wonder at our dulness because we do not at once admit the truth of the doctrine which they propound on this subject. They reason thus. We cannot reduce the number of hours of labour in factories without reducing the amount of production. We cannot reduce the amount of production without reducing the remuneration of the labourer. Meanwhile, foreigners, who are at liberty to work till they drop down dead at their looms, will soon beat us out of all the markets of the world. Wages will go down fast. The condition of our working people will be far worse than it is; and our unwise interference will, like the unwise interference of our ancestors with the dealings of the corn factor and the money lender, increase the distress of the very class which we wish to relieve.

Now, Sir, I fully admit that there might be such

a limitation of the hours of labour as would produce the evil consequences with which we are threatened: and this, no doubt, is a very good reason for legislating with great caution, for feeling our way, for looking well to all the details of this bill. But it is certainly not true that every limitation of the hours of labour must produce these consequences. And I am, I must say, surprised when I hear men of eminent ability and knowledge lay down the proposition that a diminution of the time of labour must be followed by a diminution of the wages of labour, as a proposition universally true, as a proposition capable of being strictly demonstrated, as a proposition about which there can be no more doubt than about any theorem in Euclid. Sir, I deny the truth of the proposition; and for this plain reason. We have already, by law, greatly reduced the time of labour in factories. Thirty years ago, the late Sir Robert Peel told the House that it was a common practice to make children of eight years of age toil in mills fifteen hours a day. A law has since been made which prohibits persons under eighteen years of age from work ing in mills more than twelve hours a day. That law was opposed on exactly the same grounds on which the bill before us is opposed. Parliament was told then, as it is told now, that with the time of labour the quantity of production would decrease, that with the quantity of production the wages would decrease, that our manufacturers would be unable to contend with foreign manufacturers, and that the condition of the labouring population instead of being made better by the interference of the Legislature would be made worse. Read over those debates; and you may imagine that you are reading the debate of this evening. Parliament disregarded these prophecies. The time of labour was limited. Have wages fallen? Has the cotton trade left Manchester for France or Germany? Has the condition

of the working people become more miserable? Is it not universally acknowledged that the evils which were so confidently predicted have not come to pass? Let me be understood. I am not arguing that, because a law which reduced the hours of daily labour from fifteen to twelve did not reduce wages, a law reducing those hours from twelve to ten or eleven cannot possibly reduce wages. That would be very inconclusive reasoning. What I say is this, that, since a law which reduced the hours of daily labour from fifteen to twelve has not reduced wages, the proposition that every reduction of the hours of labour must necessarily reduce wages is a false proposition. There is evidently some flaw in that demonstration which my honorable friend thinks so complete; and what the flaw is we may perhaps discover if we look at the analogous case to which I have so often referred.

Sir, exactly three hundred years ago, great religious changes were taking place in England. Much was said and written, in that inquiring and innovating age, about the question whether Christians were under a religious obligation to rest from labour on one day in the week; and it is well known that the chief Reformers, both here and on the continent, denied the existence of any such obligation. Suppose then that, in 1546, Parliament had made a law that there should thenceforth be no distinction between the Sunday and any other day. Now, Sir, our opponents, if they are consistent with themselves, must hold that such a law would have immensely increased the wealth of the country and the remuneration of the working man. What an effect, if their principles be sound, must have been produced by the addition of one sixth to the time of labour! What an increase of production! What a rise of wages! How utterly unable must the foreign artisan, who still had his days of festivity and of repose, have found himself

to maintain a competition with a people whose shops were open, whose markets were crowded, whose spades, and axes, and planes, and hods, and anvils, and looms were at work from morning till night on three hundred and sixty-five days a year! The Sundays of three hundred years make up fifty years of our working days. We know what the industry of fifty years can do. We know what marvels the industry of the last fifty years has wrought. The arguments of my honorable friend irresistibly lead us to this conclusion, that if, during the last three centuries, the Sunday had not been observed as a day of rest, we should have been a far richer, a far more highly civilised people than we now are, and that the labouring class especially would have been far better off than at present. But does he, does any Member of the House, seriously believe that this would have been the case? For my own part, I have not the smallest doubt that, if we and our ancestors had, during the last three centuries, worked just as hard on the Sundays as on the week days, we should have been at this moment a poorer people and a less civilised people than we are; that there would have been less production than there has been, that the wages of the labourer would have been lower than they are, and that some other nation would have been now making cotton stuffs and woollen stuffs and cutlery for the whole world.

Of course, Sir, I do not mean to say that a man will not produce more in a week by working seven days than by working six days. But I very much doubt whether, at the end of a year, he will generally have produced more by working seven days a week than by working six days a week; and I firmly believe that, at the end of twenty years, he will have produced much less by working seven days a week than by working six days a week. In the same manner I do not deny that a factory child will

produce more, in a single day, by working twelve hours than by working ten hours, and by working fifteen hours than by working twelve hours. But I do deny that a great society in which children work fifteen, or even twelve hours a day, will, in the lifetime of a generation, produce as much as if those children had worked less. If we consider man merely in a commercial point of view, if we consider him merely as a machine for the production of worsted and calico, let us not forget what a piece of mechanism he is, how fearfully and wonderfully made. We do not treat a fine horse or a sagacious dog exactly as we treat a spinning jenny. Nor will any slaveholder, who has sense enough to know his own interest, treat his human chattels exactly as he treats his horses and his dogs. And would you treat the free labourer of England like a mere wheel or pulley? Rely on it that intense labour, beginning too early in life, continued too long every day, stunting the growth of the body, stunting the growth of the mind, leaving no time for healthful exercise, leaving no time for intellectual culture, must impair all those high qualities which have made our country great. Your overworked boys will become a feeble and ignoble race of men, the parents of a more feeble and more ignoble progeny; nor will it be long before the deterioration of the labourer will injuriously affect those very interests to which his physical and moral energies have been sacrificed. On the other hand, a day of rest recurring in every week, two or three hours of leisure, exercise, innocent amusement or useful study, recurring every day, must improve the whole man, physically, morally, intellectually; and the improvement of the man will improve all that the man produces. Why is it, Sir, that the Hindoo cotton manufacturer, close to whose door the cotton grows, cannot, in the bazaar of his own town, maintain a competition with the English cotton manu-

facturer, who has to send thousands of miles for the raw material, and who has then to send the wrought material thousands of miles to market? You will say that it is owing to the excellence of our machinery. And to what is the excellence of our machinery owing? How many of the improvements which have been made in our machinery do we owe to the ingenuity and patient thought of working men? Adam Smith tells us in the first chapter of his great work, that you can hardly go to a factory without seeing some very pretty machine,—that is his expression,—devised by some labouring man. Hargraves, the inventor of the spinning jenny, was a common artisan. Crompton, the inventor of the mule jenny, was a working man. How many hours of the labour of children would do so much for our manufacturers as one of these improvements has done? And in what sort of society are such improvements most likely to be made? Surely in a society in which the faculties of the working people are developed by education. How long will you wait before any negro, working under the lash in Louisiana, will contrive a better machinery for squeezing the sugar canes? My honorable friend seems to me, in all his reasonings about the commercial prosperity of nations, to overlook entirely the chief cause on which that prosperity depends. What is it, Sir, that makes the great difference between country and country? Not the exuberance of soil; not the mildness of climate; not mines, nor havens, nor rivers. These things are indeed valuable when put to their proper use by human intelligence: but human intelligence can do much without them; and they without human intelligence can do nothing. They exist in the highest degree in regions of which the inhabitants are few, and squalid, and barbarous, and naked, and starving; while on sterile rocks, amidst unwholesome marshes, and under inclement

skies, may be found immense populations, well fed, well lodged, well clad, well governed. Nature meant Egypt and Sicily to be the gardens of the world. They once were so. Is it anything in the earth or in the air that makes Scotland more prosperous than Egypt, that makes Holland more prosperous than Sicily? No; it was the Scotchman that made Scotland: it was the Dutchman that made Holland. Look at North America. Two centuries ago the sites on which now arise mills, and hotels, and banks, and colleges, and churches, and the Senate Houses of flourishing commonwealths, were deserts abandoned to the panther and the bear. What has made the change? Was it the rich mould, or the redundant rivers? No: the prairies were as fertile, the Ohio and the Hudson were as broad and as full then as now. Was the improvement the effect of some great transfer of capital from the old world to the new? No: the emigrants generally carried out with them no more than a pittance; but they carried out the English heart, and head, and arm; and the English heart and head and arm turned the wilderness into cornfield and orchard, and the huge trees of the primeval forest into cities and fleets. Man, man is the great instrument that produces wealth. The natural difference between Campania and Spitzbergen is trifling when compared with the difference between a country inhabited by men full of bodily and mental vigour, and a country inhabited by men sunk in bodily and mental decrepitude. Therefore it is that we are not poorer but richer, because we have, through many ages, rested from our labour one day in seven. That day is not lost. While industry is suspended, while the plough lies in the furrow, while the Exchange is silent, while no smoke ascends from the factory, a process is going on quite as important to the wealth of nations as any process which is performed on more busy days. Man, the machine of

machines, the machine compared with which all the contrivances of the Watts and the Arkwrights are worthless, is repairing and winding up, so that he returns to his labours on the Monday with clearer intellect, with livelier spirits, with renewed corporal vigour. Never will I believe that what makes a population stronger, and healthier, and wiser, and better, can ultimately make it poorer. You try to frighten us by telling us that, in some German factories, the young work seventeen hours in the twenty-four, that they work so hard that among thousands there is not one who grows to such a stature that he can be admitted into the army; and you ask whether, if we pass this bill, we can possibly hold our own against such competition as this? Sir, I laugh at the thought of such competition. If ever we are forced to yield the foremost place among commercial nations, we shall yield it, not to a race of degenerate dwarfs, but to some people preeminently vigorous in body and in mind.

For these reasons, Sir, I approve of the principle of this bill, and shall, without hesitation, vote for the second reading. To what extent we ought to reduce the hours of labour is a question of more difficulty. I think that we are in the situation of a physician who has satisfied himself that there is a disease, and that there is a specific medicine for the disease, but who is not certain what quantity of that medicine the patient's constitution will bear. Such a physician would probably administer his remedy by small doses, and carefully watch its operation. I cannot help thinking that, by at once reducing the hours of labour from twelve to ten, we should hazard too much. The change is great, and ought to be cautiously and gradually made. Suppose that there should be an immediate fall of wages, which is not impossible. Might there not be a violent reaction? Might not the public take up a notion that our legislation had been erroneous in principle,

though, in truth, our error would have been an error, not of principle, but merely of degree? Might not Parliament be induced to retrace its steps? Might we not find it difficult to maintain even the present limitation? The wisest course would, in my opinion, be to reduce the hours of labour from twelve to eleven, to observe the effect of that experiment, and if, as I hope and believe, the result should be satisfactory, then to make a further reduction from eleven to ten. This is a question, however, which will be with more advantage considered when we are in Committee.

One word, Sir, before I sit down, in answer to my noble friend near me.[1] He seems to think that this bill is ill timed. I own that I cannot agree with him. We carried up on Monday last to the bar of the Lords a bill which will remove the most hateful and pernicious restriction that ever was laid on trade. Nothing can be more proper than to apply, in the same week, a remedy to a great evil of a directly opposite kind. As lawgivers, we have two great faults to confess and to repair. We have done that which we ought not to have done. We have left undone that which we ought to have done. We have regulated that which we should have left to regulate itself. We have left unregulated that which we were bound to regulate. We have given to some branches of industry a protection which has proved their bane. We have withheld from public health and public morals the protection which was their due. We have prevented the labourer from buying his loaf where he could get it cheapest; but we have not prevented him from ruining his body and mind by premature and immoderate toil. I hope that we have seen the last both of a vicious system of interference and of a vicious system of non-interference, and that our poorer countrymen will no longer have reason to attribute their sufferings either to our meddling or to our neglect.

[1] Lord Morpeth.

A SPEECH

DELIVERED AT

THE OPENING OF THE EDINBURGH PHILOSOPHICAL INSTITUTION ON THE 4TH OF NOVEMBER, 1846.

I THANK you, Gentlemen, for this cordial reception. I have thought it right to steal a short time from duties not unimportant for the purpose of lending my aid to an undertaking calculated, as I think, to raise the credit and to promote the best interests of the city which has so many claims on my gratitude.

The Directors of our Institution have requested me to propose to you as a toast the Literature of Britain. They could not have assigned to me a more agreeable duty. The chief object of this Institution is, I conceive, to impart knowledge through the medium of our own language. Edinburgh is already rich in libraries worthy of her fame as a seat of literature and a seat of jurisprudence. A man of letters can here without difficulty obtain access to repositories filled with the wisdom of many ages and of many nations. But something was still wanting. We still wanted a library open to that large, that important, that respectable class which, though by no means destitute of liberal curiosity or of sensibility to literary pleasures, is yet forced to be content with what is written in our own tongue. For that class especially, I do not say exclusively, this library is intended. Our Directors, I hope, will

not be satisfied, I, as a member, shall certainly not be satisfied, till we possess a noble and complete collection of English books, till it is impossible to seek in vain on our shelves for a single English book which is valuable either on account of matter or on account of manner, which throws any light on our civil, ecclesiastical, intellectual, or social history, which, in short, can afford either useful instruction or harmless amusement.

From such a collection, placed within the reach of that large and valuable class which I have mentioned, I am disposed to expect great good. And when I say this, I do not take into the account those rare cases to which my valued friend, the Lord Provost,[1] so happily alluded. It is indeed not impossible that some man of genius who may enrich our literature with imperishable eloquence and song, or who may extend the empire of our race over matter, may feel in our reading room, for the first time, the consciousness of powers yet undeveloped. It is not impossible that our volumes may suggest the first thought of something great to some future Burns, or Watt, or Arkwright. But I do not speak of these extraordinary cases. What I confidently anticipate is that, through the whole of that class whose benefit we have peculiarly in view, there will be a moral and an intellectual improvement; that many hours, which might otherwise be wasted in folly or in vice, will be employed in pursuits which, while they afford the highest and most lasting pleasure, are not only harmless, but purifying and elevating. My own experience, my own observation, justifies me in entertaining this hope. I have had opportunities, both in this and in other countries, of forming some estimate of the effect which is likely to be produced by a good collection of books on a society of young men. There is, I will venture to

[1] Mr. Adam Black.

say, no judicious commanding officer of a regiment who will not tell you that the vicinity of a valuable library will improve perceptibly the whole character of a mess. I well knew one eminent military servant of the East India Company, a man of great and various accomplishments, a man honourably distinguished both in war and in diplomacy, a man who enjoyed the confidence of some of the greatest generals and statesmen of our time. When I asked him how, having left his country while still a boy, and having passed his youth at military stations in India, he had been able to educate himself, his answer was, that he had been stationed in the neighbourhood of an excellent library, that he had been allowed free access to the books, and that they had, at the most critical time of his life, decided his character, and saved him from being a mere smoking, cardplaying, punchdrinking lounger.

Some of the objections which have been made to such institutions as ours have been so happily and completely refuted by my friend the Lord Provost, and by the most Reverend Prelate, who has honoured us with his presence this evening,[1] that it would be idle to say again what has been so well said. There is, however, one objection which, with your permission, I will notice. Some men, of whom I wish to speak with great respect, are haunted, as it seems to me, with an unreasonable fear of what they call superficial knowledge. Knowledge, they say, which really deserves the name, is a great blessing to mankind, the ally of virtue, the harbinger of freedom. But such knowledge must be profound. A rowd of people who have a smattering of mathematics, a smattering of astronomy, a smattering of chmistry, who have read a little poetry and a little history, is dangerous to the commonwealth. Such half knowledge is worse than ignorance. And then

[1] Archbishop Whateley.

the authority of Pope is vouched. Drink deep or taste not; shallow draughts intoxicate: drink largely and that will sober you. I must confess that the danger which alarms these gentlemen never seemed to me very serious: and my reason is this; that I never could prevail on any person who pronounced superficial knowledge a curse, and profound knowledge a blessing, to tell me what was his standard of profundity. The argument proceeds on the supposition that there is some line between profound and superficial knowledge similar to that which separates truth from falsehood. I know of no such line. When we talk of men of deep science, do we mean that they have got to the bottom or near the bottom of science? Do we mean that they know all that is capable of being known? Do we mean even that they know, in their own especial department, all that the smatterers of the next generation will know? Why, if we compare the little truth that we know with the infinite mass of truth which we do not know, we are all shallow together; and the greatest philosophers that ever lived would be the first to confess their shallowness. If we could call up the first of human beings, if we could call up Newton, and ask him whether, even in those sciences in which he had no rival, he considered himself as profoundly knowing, he would have told us that he was but a smatterer like ourselves, and that the difference between his knowledge and ours vanished, when compared with the quantity of truth still undiscovered, just as the distance between a person at the foot of Ben Lomond and at the top of Ben Lomond vanishes when compared with the distance of the fixed stars.

It is evident then that those who are afraid of superficial knowledge do not mean by superficial knowledge, knowledge which is superficial when compared with the whole quantity of truth capable of being known. For, in that sense, all human know-

ledge is, and always has been, and always must be, superficial. What then is the standard? Is it the same two years together in any country? Is it the same, at the same moment, in any two countries? Is it not notorious that the profundity of one age is the shallowness of the next; that the profundity of one nation is the shallowness of a neighbouring nation? Ramohun Roy passed, among Hindoos, for a man of profound Western learning; but he would have been but a very superficial member of this institute. Strabo was justly entitled to be called a profound geographer eighteen hundred years ago. But a teacher of geography, who had never heard of America, would now be laughed at by the girls of a boarding-school. What would now be thought of the greatest chemist of 1746, or of the greatest geologist of 1746? The truth is that, in all experimental science, mankind is, of necessity, constantly advancing. Every generation, of course, has its front rank and its rear rank; but the rear rank of a later generation occupies the ground which was occupied by the front rank of a former generation. You remember Gulliver's adventures. First he is shipwrecked in a country of little men; and he is a Colossus among them. He strides over the walls of their capital: he stands higher than the cupola of their great temple: he tugs after him a royal fleet: he stretches his legs, and a royal army, with drums beating and colours flying, marches through the gigantic arch: he devours a whole granary for breakfast, eats a herd of cattle for dinner, and washes down his meal with all the hogsheads of a cellar. In his next voyage he is among men sixty feet high. He who, in Lilliput, used to take people up in his hand in order that he might be able to hear them, is himself taken up in the hands and held to the ears of his masters. It is all that he can do to defend himself with his hanger against the rats and mice.

The court ladies amuse themselves with seeing him fight wasps and frogs: the monkey runs off with him to the chimney top: the dwarf drops him into the cream jug and leaves him to swim for his life. Now, was Gulliver a tall or a short man? Why, in his own house at Rotherhithe, he was thought a man of the ordinary stature. Take him to Lilliput; and he is Quinbus Flestrin, the Man Mountain. Take him to Brobdingnag, and he is Grildrig, the little Manikin. It is the same in science. The pigmies of one society would have passed for giants in another.

It might be amusing to institute a comparison between one of the profoundly learned men of the thirteenth century and one of the superficial students who will frequent our library. Take the great philosopher of the time of Henry the Third of England, or Alexander the Third of Scotland, the man renowned all over the island, and even as far as Italy and Spain, as the first of astronomers and chemists. What is his astronomy? He is a firm believer in the Ptolemaic system. He never heard of the law of gravitation. Tell him that the succession of day and night is caused by the turning of the earth on its axis. Tell him that, in consequence of this motion, the polar diameter of the earth is shorter than the equatorial diameter. Tell him that the succession of summer and winter is caused by the revolution of the earth round the sun. If he does not set you down for an idiot, he lays an information against you before the Bishop, and has you burnt for a heretic. To do him justice, however, if he is ill informed on these points, there are other points on which Newton and Laplace were mere children when compared with him. He can cast your nativity. He knows what will happen when Saturn is in the House of Life, and what will happen when Mars is in conjunction with the Dragon's Tail. He can read in the stars whether an expedition will be

successful, whether the next harvest will be plentiful, which of your children will be fortunate in marriage, and which will be lost at sea. Happy the State, happy the family, which is guided by the counsels of so profound a man! And what but mischief, public and private, can we expect from the temerity and conceit of sciolists who know no more about the heavenly bodies than what they have learned from Sir John Herschel's beautiful little volume. But, to speak seriously, is not a little truth better than a great deal of falsehood? Is not the man who, in the evenings of a fortnight, has acquired a correct notion of the solar system, a more profound astronomer than a man who has passed thirty years in reading lectures about the *primum mobile*, and in drawing schemes of horoscopes?

Or take chemistry. Our philosopher of the thirteenth century shall be, if you please, an universal genius, chemist as well as astronomer. He has perhaps got so far as to know, that if he mixes charcoal and saltpetre in certain proportions and then applies fire, there will be an explosion which will shatter all his retorts and aludels; and he is proud of knowing what will in a later age be familiar to all the idle boys in the kingdom. But there are departments of science in which he need not fear the rivalry of Black, or Lavoisier, or Cavendish, or Davy. He is in hot pursuit of the philosopher's stone, of the stone that is to bestow wealth, and health, and longevity. He has a long array of strangely shaped vessels, filled with red oil and white oil, constantly boiling. The moment of projection is at hand; and soon all his kettles and gridirons will be turned into pure gold. Poor Professor Faraday can do nothing of the sort. I should deceive you if I held out to you the smallest hope that he will ever turn your halfpence into sovereigns. But if you can induce him to give at our Institute a course of lectures such as I once

heard him give at the Royal Institution to children in the Christmas holidays, I can promise you that you will know more about the effects produced on bodies by heat and moisture than was known to some alchemists who, in the middle ages, were thought worthy of the patronage of kings.

As it has been in science so it has been in literature. Compare the literary acquirements of the great men of the thirteenth century with those which will be within the reach of many who will frequent our reading room. As to Greek learning, the profound man of the thirteenth century was absolutely on a par with the superficial man of the nineteenth. In the modern languages, there was not, six hundred years ago, a single volume which is now read. The library of our profound scholar must have consisted entirely of Latin books. We will suppose him to have had both a large and a choice collection. We will allow him thirty, nay forty manuscripts, and among them a Virgil, a Terence, a Lucan, an Ovid, a Statius, a great deal of Livy, a great deal of Cicero. In allowing him all this, we are dealing most liberally with him; for it is much more likely that his shelves were filled with treatises on school divinity and canon law, composed by writers whose names the world has very wisely forgotten. But, even if we suppose him to have possessed all that is most valuable in the literature of Rome, I say with perfect confidence that, both in respect of intellectual improvement, and in respect of intellectual pleasures, he was far less favourably situated than a man who now, knowing only the English language, has a bookcase filled with the best English works. Our great man of the Middle Ages could not form any conception of any tragedy approaching Macbeth or Lear, or of any comedy equal to Henry the Fourth or Twelfth Night. The best epic poem that he had read was far inferior

to the Paradise Lost; and all the tomes of his philosophers were not worth a page of the Novum Organum.

The Novum Organum, it is true, persons who know only English must read in a translation: and this reminds me of one great advantage which such persons will derive from our institution. They will, in our library, be able to form some acquaintance with the master minds of remote ages and foreign countries. A large part of what is best worth knowing in ancient literature, and in the literature of France, Italy, Germany, and Spain, has been translated into our own tongue. It is scarcely possible that the translation of any book of the highest class can be equal to the original. But though the finer touches may be lost in the copy, the great outlines will remain. An Englishman who never saw the frescoes in the Vatican may yet, from engravings, form some notion of the exquisite grace of Raphael, and of the sublimity and energy of Michael Angelo. And so the genius of Homer is seen in the poorest version of the Iliad; the genius of Cervantes is seen in the poorest version of Don Quixote. Let it not be supposed that I wish to dissuade any person from studying either the ancient languages or the languages of modern Europe. Far from it. I prize most highly those keys of knowledge; and I think that no man who has leisure for study ought to be content until he possesses several of them. I always much admired a saying of the Emperor Charles the Fifth. "When I learn a new language," he said, "I feel as if I had got a new soul." But I would console those who have not time to make themselves linguists by assuring them that, by means of their own mother tongue, they may obtain ready access to vast intellectual treasures, to treasures such as might have been envied by the greatest linguists of the age of Charles the Fifth, to treasures surpassing those

which were possessed by Aldus, by Erasmus, and by Melancthon.

And thus I am brought back to the point from which I started. I have been requested to invite you to fill your glasses to the Literature of Britain; to that literature, the brightest, the purest, the most durable of all the glories of our country; to that literature, so rich in precious truth and precious fiction; to that literature which boasts of the prince of all poets and of the prince of all philosophers; to that literature which has exercised an influence wider than that of our commerce, and mightier than that of our arms; to that literature which has taught France the principles of liberty, and has furnished Germany with models of art; to that literature which forms a tie closer than the tie of consanguinity between us and the commonwealths of the valley of the Mississippi; to that literature before the light of which impious and cruel superstitions are fast taking flight on the banks of the Ganges; to that literature which will, in future ages, instruct and delight the unborn millions who will have turned the Australasian and Caffrarian deserts into cities and gardens. To the Literature of Britain, then! And, wherever British literature spreads, may it be attended by British virtue and by British freedom!

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 19TH OF APRIL, 1847.

In the year 1847 the Government asked from the House of Commons a grant of one hundred thousand pounds for the education of the people. On the nineteenth of April, Lord John Russell, having explained the reasons for this application, moved the order of the day for a Committee of Supply. Mr. Thomas Duncombe, Member for Finsbury, moved the following amendment:

"That previous to any grant of public money being assented to by this House, for the purpose of carrying out the scheme of national education, as developed in the Minutes of the Committee of Council on Education in August and December last, which minutes have been presented to both Houses of Parliament by command of Her Majesty, a Select Committee be appointed to inquire into the justice and expediency of such a scheme, and its probable annual cost; also to inquire whether the regulations attached thereto do not unduly increase the influence of the Crown, invade the constitutional functions of Parliament, and interfere with the religious convictions and civil rights of Her Majesty's subjects."

In opposition to this amendment the following Speech was made. After a debate of three nights, Mr. Thomas Duncombe obtained permission to withdraw the latter part of his amendment. The first part was put, and negatived by 372 votes to 47.

YOU will not wonder, Sir, that I am desirous to catch your eye this evening. The first duty which I per-

formed, as a Member of the Committee of Council which is charged with the superintendence of public instruction, was to give my hearty assent to the plan which the honorable Member for Finsbury calls on the House to condemn. I am one of those who have been accused in every part of the kingdom, and who are now accused in Parliament, of aiming, under specious pretences, a blow at the civil and religious liberties of the people. It is natural therefore that I should seize the earliest opportunity of vindicating myself from so grave a charge.

The honorable Member for Finsbury must excuse me if, in the remarks which I have to offer to the House, I should not follow very closely the order of his speech. The truth is that a mere answer to his speech would be no defence of myself or of my colleagues. I am surprised, I own, that a man of his acuteness and ability should, on such an occasion, have made such a speech. The country is excited from one end to the other by a great question of principle. On that question the Government has taken one side. The honorable Member stands forth as the chosen and trusted champion of a great party which takes the other side. We expected to hear from him a full exposition of the views of those in whose name he speaks. But, to our astonishment, he has scarcely even alluded to the controversy which has divided the whole nation. He has entertained us with sarcasms and personal anecdotes: he has talked much about matters of mere detail: but I must say that, after listening with close attention to all that he has said, I am quite unable to discover whether, on the only important point which is in issue, he agrees with us or with that large and active body of Nonconformists which is diametrically opposed to us. He has sat down without dropping one word from which it is possible to discover whether he thinks that education is or that it is not a matter

with which the State ought to interfere. Yet that is the question about which the whole nation has, during several weeks, been writing, reading, speaking, hearing, thinking, petitioning, and on which it is now the duty of Parliament to pronounce a decision. That question once settled, there will be, I believe, very little room for dispute. If it be not competent to the State to interfere with the education of the people, the mode of interference recommended by the Committee of Council must of course be condemned. If it be the right and the duty of the State to make provision for the education of the people, the objections made to our plan will, in a very few words, be shown to be frivolous.

I shall take a course very different from that which has been taken by the honorable gentleman. I shall in the clearest manner profess my opinion on that great question of principle which he has studiously evaded; and for my opinion I shall give what seem to me to be unanswerable reasons.

I believe, Sir, that it is the right and the duty of the State to provide means of education for the common people. This proposition seems to me to be implied in every definition that has ever yet been given of the functions of a government. About the extent of those functions there has been much difference of opinion among ingenious men. There are some who hold that it is the business of a government to meddle with every part of the system of human life, to regulate trade by bounties and prohibitions, to regulate expenditure by sumptuary laws, to regulate literature by a censorship, to regulate religion by an inquisition. Others go to the opposite extreme, and assign to Government a very narrow sphere of action. But the very narrowest sphere that ever was assigned to governments by any school of political philosophy is quite wide enough for my purpose. On one point all the disputants

are agreed. They unanimously acknowledge that it is the duty of every government to take order for giving security to the persons and property of the members of the community.

This being admitted, can it be denied that the education of the common people is a most effectual means of securing our persons and our property? Let Adam Smith answer that question for me. His authority, always high, is, on this subject, entitled to peculiar respect, because he extremely disliked busy, prying, interfering governments. He was for leaving literature, arts, sciences, to take care of themselves. He was not friendly to ecclesiastical establishments. He was of opinion, that the State ought not to meddle with the education of the rich. But he has expressly told us that a distinction is to be made, particularly in a commercial and highly civilised society, between the education of the rich and the education of the poor. The education of the poor, he says, is a matter which deeply concerns the commonwealth. Just as the magistrate ought to interfere for the purpose of preventing the leprosy from spreading among the people, he ought to interfere for the purpose of stopping the progress of the moral distempers which are inseparable from ignorance. Nor can this duty be neglected without danger to the public peace. If you leave the multitude uninstructed, there is serious risk that religious animosities may produce the most dreadful disorders. The most dreadful disorders! Those are Adam Smith's own words; and prophetic words they were. Scarcely had he given this warning to our rulers when his prediction was fulfilled in a manner never to be forgotten. I speak of the No Popery riots of 1780. I do not know that I could find in all history a stronger proof of the proposition, that the ignorance of the common people makes the property, the limbs, the lives of all classes insecure. Without the shadow

of a grievance, at the summons of a madman, a hundred thousand people rise in insurrection. During a whole week, there is anarchy in the greatest and wealthiest of European cities. The parliament is besieged. Your predecessor sits trembling in his chair, and expects every moment to see the door beaten in by the ruffians whose roar he hears all round the house. The peers are pulled out of their coaches. The bishops in their lawn are forced to fly over the tiles. The chapels of foreign ambassadors, buildings made sacred by the law of nations, are destroyed. The house of the Chief Justice is demolished. The little children of the Prime Minister are taken out of their beds and laid in their night clothes on the table of the Horse Guards, the only safe asylum from the fury of the rabble. The prisons are opened. Highwaymen, housebreakers, murderers, come forth to swell the mob by which they have been set free. Thirty-six fires are blazing at once in London. Then comes the retribution. Count up all the wretches who were shot, who were hanged, who were crushed, who drank themselves to death at the rivers of gin which ran down Holborn Hill; and you will find that battles have been lost and won with a smaller sacrifice of life. And what was the cause of this calamity, a calamity which, in the history of London, ranks with the great plague and the great fire? The cause was the ignorance of a population which had been suffered, in the neighbourhood of palaces, theatres, temples, to grow up as rude and stupid as any tribe of tattooed cannibals in New Zealand, I might say as any drove of beasts in Smithfield Market.

The instance is striking: but it is not solitary. To the same cause are to be ascribed the riots of Nottingham, the sack of Bristol, all the outrages of Ludd, and Swing, and Rebecca, beautiful and costly machinery broken to pieces in Yorkshire, barns and

haystacks blazing in Kent, fences and buildings pulled down in Wales. Could such things have been done in a country in which the mind of the labourer had been opened by education, in which he had been taught to find pleasure in the exercise of his intellect, taught to revere his Maker, taught to respect legitimate authority, and taught at the same time to seek the redress of real wrongs by peaceful and constitutional means?

This then is my argument. It is the duty of Government to protect our persons and property from danger. The gross ignorance of the common people is a principal cause of danger to our persons and property. Therefore, it is the duty of the Government to take care that the common people shall not be grossly ignorant.

And what is the alternative? It is universally allowed that, by some means, Government must protect our persons and property. If you take away education, what means do you leave? You leave means such as only necessity can justify, means which inflict a fearful amount of pain, not only on the guilty, but on the innocent who are connected with the guilty. You leave guns and bayonets, stocks and whipping-posts, treadmills, solitary cells, penal colonies, gibbets. See then how the case stands. Here is an end which, as we all agree, governments are bound to attain. There are only two ways of attaining it. One of those ways is by making men better, and wiser, and happier. The other way is by making them infamous and miserable. Can it be doubted which we ought to prefer? Is it not strange, is it not almost incredible, that pious and benevolent men should gravely propound the doctrine that the magistrate is bound to punish and at the same time bound not to teach? To me it seems quite clear that whoever has a right to hang has a right to educate. Can we think without

shame and remorse that more than half of those wretches who have been tied up at Newgate in our time might have been living happily, that more than half of those who are now in our gaols might have been enjoying liberty and using that liberty well, that such a hell on earth as Norfolk Island need never have existed, if we had expended in training honest men but a small part of what we have expended in hunting and torturing rogues.

I would earnestly entreat every gentleman to look at a report which is contained in the Appendix to the First Volume of the Minutes of the Committee of Council. I speak of the report made by Mr. Seymour Tremenheere on the state of that part of Monmouthshire which is inhabited by a population chiefly employed in mining. He found that, in this district, towards the close of 1839, out of eleven thousand children who were of an age to attend school, eight thousand never went to any school at all, and that most of the remaining three thousand might almost as well have gone to no school as to the squalid hovels in which men who ought themselves to have been learners pretended to teach. In general these men had only one qualification for their employment; and that was their utter unfitness for every other employment. They were disabled miners, or broken hucksters. In their schools all was stench, and noise, and confusion. Now and then the clamour of the boys was silenced for two minutes by the furious menaces of the master; but it soon broke out again. The instruction given was of the lowest kind. Not one school in ten was provided with a single map. This is the way in which you suffered the minds of a great population to be formed. And now for the effects of your negligence. The barbarian inhabitants of this region rise in an insane rebellion against the Government. They come pouring down their valleys to

Newport. They fire on the Queen's troops. They wound a magistrate. The soldiers fire in return; and too many of these wretched men pay with their lives the penalty of their crime. But is the crime theirs alone? Is it strange that they should listen to the only teaching that they had? How can you, who took no pains to instruct them, blame them for giving ear to the demagogue who took pains to delude them? We put them down of course. We punish them. We had no choice. Order must be maintained; property must be protected; and, since we had omitted to take the best way of keeping these people quiet, we were under the necessity of keeping them quiet by the dread of the sword and the halter. But could any necessity be more cruel? And which of us would run the risk of being placed under such necessity a second time?

I say, therefore, that the education of the people is not only a means, but the best means, of attaining that which all allow to be a chief end of government; and, if this be so, it passes my faculties to understand how any man can gravely contend that Government has nothing to do with the education of the people.

My confidence in my opinion is strengthened when I recollect that I hold that opinion in common with all the greatest lawgivers, statesmen, and political philosophers of all nations and ages, with all the most illustrious champions of civil and spiritual freedom, and especially with those men whose names were once held in the highest veneration by the Protestant Dissenters of England. I might cite many of the most venerable names of the old world; but I would rather cite the example of that country which the supporters of the Voluntary system here are always recommending to us as a pattern. Go back to the days when the little society which has expanded into the opulent and enlightened commonwealth of Massachusetts began to exist. Our

modern Dissenters will scarcely, I think, venture to speak contumeliously of those Puritans whose spirit Laud and his High Commission Court could not subdue, of those Puritans who were willing to leave home and kindred, and all the comforts and refinements of civilised life, to cross the ocean, to fix their abode in forests among wild beasts and wild men, rather than commit the sin of performing, in the House of God, one gesture which they believed to be displeasing to Him. Did those brave exiles think it inconsistent with civil or religious freedom that the State should take charge of the education of the people? No, Sir, one of the earliest laws enacted by the Puritan colonists was that every township, as soon as the Lord had increased it to the number of fifty houses, should appoint one to teach all children to write and read, and that every township of a hundred houses should set up a grammar school. Nor have the descendants of those who made this law ever ceased to hold that the public authorities were bound to provide the means of public instruction. Nor is this doctrine confined to New England. "Educate the people" was the first admonition addressed by Penn to the colony which he founded. "Educate the people" was the legacy of Washington to the nation which he had saved. "Educate the people" was the unceasing exhortation of Jefferson; and I quote Jefferson with peculiar pleasure, because, of all the eminent men that have ever lived, Adam Smith himself not excepted, Jefferson was the one who most abhorred everything like meddling on the part of governments. Yet the chief business of his later years was to establish a good system of State education in Virginia.

And, against such authority as this, what have you who take the other side to show? Can you mention a single great philosopher, a single man distinguished by his zeal for liberty, humanity, and

truth, who from the beginning of the world down to the time of this present Parliament, ever held your doctrines? You can oppose to the unanimous voice of all the wise and good, of all ages, and of both hemispheres, nothing but a clamour which was first heard a few months ago, a clamour in which you cannot join without condemning, not only all whose memory you profess to hold in reverence, but even your former selves.

This new theory of politics has at least the merit of originality. It may be fairly stated thus. All men have hitherto been utterly in the wrong as to the nature and objects of civil government. The great truth, hidden from every preceding generation, and at length revealed, in the year 1846, to some highly respectable ministers and elders of dissenting congregations, is this. Government is simply a great hangman. Government ought to do nothing except by harsh and degrading means. The one business of Government is to handcuff, and lock up, and scourge, and shoot, and stab, and strangle. It is odious tyranny in a government to attempt to prevent crime by informing the understanding and elevating the moral feeling of a people. A statesman may see hamlets turned, in the course of one generation, into great seaport towns and manufacturing towns. He may know that on the character of the vast population which is collected in those wonderful towns, depends the prosperity, the peace, the very existence of society. But he must not think of forming that character. He is an enemy of public liberty if he attempts to prevent those hundreds of thousands of his countrymen from becoming mere Yahoos. He may, indeed, build barrack after barrack to overawe them. If they break out into insurrection, he may send cavalry to sabre them: he may mow them down with grape shot: he may hang them, draw them, quarter them, anything but teach them. He may see, and may

shudder as he sees, throughout large rural districts, millions of infants growing up from infancy to manhood as ignorant, as mere slaves of sensual appetite, as the beasts that perish. No matter. He is a traitor to the cause of civil and religious freedom if he does not look on with folded arms, while absurd hopes and evil passions ripen in that rank soil. He must wait for the day of his harvest. He must wait till the Jaquerie comes, till farm houses are burning, till threshing machines are broken in pieces; and then begins his business, which is simply to send one poor ignorant savage to the county gaol, and another to the antipodes, and a third to the gallows.

Such, Sir, is the new theory of government which was first propounded, in the year 1846, by some men of high note among the Nonconformists of England. It is difficult to understand how men of excellent abilities and excellent intentions,—and there are, I readily admit, such men among those who hold this theory,—can have fallen into so absurd and pernicious an error. One explanation only occurs to me. This is, I am inclined to believe, an instance of the operation of the great law of reaction. We have just come victorious out of a long and fierce contest for the liberty of trade. While that contest was undecided, much was said and written about the advantages of free competition, and about the danger of suffering the State to regulate matters which should be left to individuals. There has consequently arisen in the minds of persons who are led by words, and who are little in the habit of making distinctions, a disposition to apply to political questions and moral questions principles which are sound only when applied to commercial questions. These people, not content with having forced the Government to surrender a province wrongfully usurped, now wish to wrest from the Government a domain held by a right which was never before questioned,

and which cannot be questioned with the smallest show of reason. "If," they say, "free competition is a good thing in trade, it must surely be a good thing in education. The supply of other commodities, of sugar, for example, is left to adjust itself to the demand; and the consequence is, that we are better supplied with sugar than if the Government undertook to supply us. Why then should we doubt that the supply of instruction will, without the intervention of the Government, be found equal to the demand?"

Never was there a more false analogy. Whether a man is well supplied with sugar is a matter which concerns himself alone. But whether he is well supplied with instruction is a matter which concerns his neighbours and the State. If he cannot afford to pay for sugar, he must go without sugar. But it is by no means fit that, because he cannot afford to pay for education, he should go without education. Between the rich and their instructors there may, as Adam Smith says, be free trade. The supply of music masters and Italian masters may be left to adjust itself to the demand. But what is to become of the millions who are too poor to procure without assistance the services of a decent schoolmaster? We have indeed heard it said that even these millions will be supplied with teachers by the free competition of benevolent individuals who will vie with each other in rendering this service to mankind. No doubt there are many benevolent individuals who spend their time and money most laudably in setting up and supporting schools; and you may say, if you please, that there is, among these respectable persons, a competition to do good. But do not be imposed upon by words. Do not believe that this competition resembles the competition which is produced by the desire of wealth and by the fear of ruin. There is a great difference, be assured, between the rivalry of philanthropists and

the rivalry of grocers. The grocer knows that, if his wares are worse than those of other grocers, he shall soon go before the Bankrupt Court, and his wife and children will have no refuge but the workhouse: he knows that, if his shop obtains an honorable celebrity, he shall be able to set up a carriage and buy a villa: and this knowledge impels him to exertions compared with which the exertions of even very charitable people to serve the poor are but languid. It would be strange infatuation indeed to legislate on the supposition that a man cares for his fellow creatures as much as he cares for himself.

Unless, Sir, I greatly deceive myself, those arguments, which show that the Government ought not to leave to private people the task of providing for the national defence, will equally show that the Government ought not to leave to private people the task of providing for national education. On this subject, Mr. Hume has laid down the general law with admirable good sense and perspicuity. I mean David Hume, not the Member for Montrose, though that honorable gentleman will, I am confident, assent to the doctrine propounded by his illustrious namesake. David Hume, Sir, justly says that most of the arts and trades which exist in the world produce so much advantage and pleasure to individuals, that the magistrate may safely leave it to individuals to encourage those arts and trades. But he adds that there are callings which, though they are highly useful, nay, absolutely necessary to society, yet do not administer to the peculiar pleasure or profit of any individual. The military calling is an instance. Here, says Hume, the government must interfere. It must take on itself to regulate these callings, and to stimulate the industry of the persons who follow these callings by pecuniary and honorary rewards.

Now, Sir, it seems to me that, on the same principle on which Government ought to superin-

tend and to reward the soldier, Government ought to superintend and to reward the schoolmaster. I mean, of course, the schoolmaster of the common people. That his calling is useful, that his calling is necessary, will hardly be denied. Yet it is clear that his services will not be adequately remunerated if he is left to be remunerated by those whom he teaches, or by the voluntary contributions of the charitable. Is this disputed? Look at the facts. You tell us that schools will multiply and flourish exceedingly, if the Government will only abstain from interfering with them. Has not the Government long abstained from interfering with them? Has not everything been left, through many years, to individual exertion? If it were true that education, like trade, thrives most where the magistrate meddles least, the common people of England would now be the best educated in the world. Our schools would be model schools. Every one would have a well chosen little library, excellent maps, a small but neat apparatus for experiments in natural philosophy. A grown person unable to read and write would be pointed at like Giant O'Brien or the Polish Count. Our schoolmasters would be as eminently expert in all that relates to teaching as our cutlers, our cotton-spinners, our engineers are allowed to be in their respective callings. They would, as a class, be held in high consideration; and their gains would be such that it would be easy to find men of respectable character and attainments to fill up vacancies.

Now, is this the case? Look at the charges of the judges, at the resolutions of the grand juries, at the reports of public officers, at the reports of voluntary associations. All tell the same sad and ignominious story. Take the reports of the Inspectors of Prisons. In the House of Correction at Hertford, of seven hundred prisoners one half could not read at all; only eight could read and write well. Of

eight thousand prisoners who had passed through Maidstone gaol only fifty could read and write well. In Coldbath Fields Prison, the proportion that could read and write well seems to have been still smaller. Turn from the registers of prisoners to the registers of marriages. You will find that about a hundred and thirty thousand couples were married in the year 1844. More than forty thousand of the bridegrooms and more than sixty thousand of the brides did not sign their names, but made their marks. Nearly one third of the men and nearly one half of the women, who are in the prime of life, who are to be the parents of the Englishmen of the next generation, who are to bear a chief part in forming the minds of the Englishmen of the next generation, cannot write their own names. Remember, too, that though people who cannot write their own names must be grossly ignorant, people may write their own names and yet have very little knowledge. Tens of thousands who were able to write their names had in all probability received only the wretched education of a common day school. We know what such a school too often is; a room crusted with filth, without light, without air, with a heap of fuel in one corner and a brood of chickens in another; the only machinery of instruction a dog-eared spelling-book and a broken slate; the masters the refuse of all other callings, discarded footmen, ruined pedlars, men who cannot work a sum in the rule of three, men who cannot write a common letter without blunders, men who do not know whether the earth is a sphere or a cube, men who do not know whether Jerusalem is in Asia or America. And to such men, men to whom none of us would entrust the key of his cellar, we have entrusted the mind of the rising generation, and, with the mind of the rising generation, the freedom, the happiness, the glory of our country.

Do you question the accuracy of this description? I will produce evidence to which I am sure that you

will not venture to take an exception. Every gentleman here knows, I suppose, how important a place the Congregational Union holds among the Nonconformists, and how prominent a part Mr. Edward Baines has taken in opposition to State education. A Committee of the Congregational Union drew up last year a report on the subject of education. That report was received by the Union; and the person who moved that it should be received was Mr. Edward Baines. That report contains the following passage: "If it were necessary to disclose facts to such an assembly as this, as to the ignorance and debasement of the neglected portions of our population in towns and rural districts, both adult and juvenile, it could easily be done. Private information communicated to the Board, personal observation and investigation of the various localities, with the published documents of the Registrar-General, and the reports of the state of prisons in England and Wales, published by order of the House of Commons, would furnish enough to make us modest in speaking of what has been done for the humbler classes, and make us ashamed that the sons of the soil of England should have been so long neglected, and should present to the enlightened traveller from other shores such a sad spectacle of neglected cultivation, lost mental power, and spiritual degradation." Nothing can be more just. All the information which I have been able to obtain bears out the statements of the Congregational Union. I do believe that the ignorance and degradation of a large part of the community to which we belong ought to make us ashamed of ourselves. I do believe that an enlightened traveller from New York, from Geneva, or from Berlin would be shocked to see so much barbarism in the close neighbourhood of so much wealth and civilisation. But is it not strange that the very gentlemen who tell us in such emphatic language that the people

are shamefully ill educated, should yet persist in telling us that under a system of free competition the people are certain to be excellently educated? Only this morning the opponents of our plan circulated a paper in which they confidently predict that free competition will do all that is necessary, if we will only wait with patience. Wait with patience! Why, we have been waiting ever since the Heptarchy. How much longer are we to wait? Till the year 2847? Or till the year 3847? That the experiment has as yet failed you do not deny. And why should it have failed? Has it been tried in unfavourable circumstances. Not so; it has been tried in the richest, and in the freest, and in the most charitable country in all Europe. Has it been tried on too small a scale? Not so: millions have been subjected to it. Has it been tried during too short a time? Not so: it has been going on during ages. The cause of the failure then is plain. Our whole system has been unsound. We have applied the principle of free competition to a case to which that principle is not applicable.

But, Sir, if the state of the southern part of our island has furnished me with one strong argument, the state of the northern part furnishes me with another argument, which is, if possible, still more decisive. A hundred and fifty years ago England was one of the best governed and most prosperous countries in the world: Scotland was perhaps the rudest and poorest country that could lay any claim to civilisation. The name of Scotchman was then uttered in this part of the island with contempt. The ablest Scotch statesman contemplated the degraded state of their poorer countrymen with a feeling approaching to despair. It is well known that Fletcher of Saltoun, a brave and accomplished man, a man who had drawn his sword for liberty, who had suffered proscription and exile for liberty, was so

much disgusted and dismayed by the misery, the ignorance, the idleness, the lawlessness of the common people, that he proposed to make many thousands of them slaves. Nothing, he thought, but the discipline which kept order and enforced exertion among the negroes of a sugar colony, nothing but the lash and the stocks, could reclaim the vagabonds who infested every part of Scotland from their indolent and predatory habits, and compel them to support themselves by steady labour. He therefore, soon after the Revolution, published a pamphlet, in which he earnestly, and, as I believe, from the mere impulse of humanity and patriotism, recommended to the Estates of the Realm this sharp remedy, which alone, as he conceived, could remove the evil. Within a few months after the publication of that pamphlet a very different remedy was applied. The Parliament which sate at Edinburgh passed an act for the establishment of parochial schools. What followed? An improvement such as the world had never seen took place in the moral and intellectual character of the people. Soon, in spite of the rigour of the climate, in spite of the sterility of the earth, Scotland became a country which had no reason to envy the fairest portions of the globe. Wherever the Scotchman went,—and there were few parts of the world to which he did not go,—he carried his superiority with him. If he was admitted into a public office, he worked his way up to the highest post. If he got employment in a brewery or a factory, he was soon the foreman. If he took a shop, his trade was the best in the street. If he enlisted in the army, he became a colour-serjeant. If he went to a colony, he was the most thriving planter there. The Scotchman of the seventeenth century had been spoken of in London as we speak of the Esquimaux. The Scotchman of the eighteenth century was an object, not of scorn, but of envy. The cry was that, where-

ever he came, he got more than his share; that, mixed with Englishmen or mixed with Irishmen, he rose to the top as surely as oil rises to the top of water. And what had produced this great Revolution? The Scotch air was still as cold, the Scotch rocks were still as bare as ever. All the natural qualities of the Scotchman were still what they had been when learned and benevolent men advised that he should be flogged, like a beast of burden, to his daily task. But the State had given him an education. That education was not, it is true, in all respects what it should have been. But, such as it was, it had done more for the bleak and dreary shores of the Forth and the Clyde than the richest of soils and the most genial of climates had done for Capua and Tarentum. Is there one member of this House, however strongly he may hold the doctrine that the Government ought not to interfere with the education of the people, who will stand up and say that, in his opinion, the Scotch would now have been a happier and a more enlightened people if they had been left, during the last five generations, to find instruction for themselves?

I say then, Sir, that if the science of Government be an experimental science, this question is decided. We are in a condition to perform the inductive process according to the rules laid down in the Novum Organum. We have two nations closely connected, inhabiting the same island, sprung from the same blood, speaking the same language, governed by the same Sovereign and the same Legislature, holding essentially the same religious faith, having the same allies and the same enemies. Of these two nations one was, a hundred and fifty years ago, as respects opulence and civilisation, in the highest rank among European communities, the other in the lowest rank. The opulent and highly civilised nation leaves the education of the people to free competition. In the

poor and half barbarous nation the education of the people is undertaken by the State. The result is that the first are last and the last first. The common people of Scotland,—it is vain to disguise the truth,—have passed the common people of England. Free competition, tried with every advantage, has produced effects of which, as the Congregational Union tells us, we ought to be ashamed, and which must lower us in the opinion of every intelligent foreigner. State education, tried under every disadvantage, has produced an improvement to which it would be difficult to find a parallel in any age or country. Such an experiment as this would be regarded as conclusive in surgery or chemistry, and ought, I think, to be regarded as equally conclusive in politics.

These, Sir, are the reasons which have satisfied me that it is the duty of the State to educate the people. Being firmly convinced of that truth, I shall not shrink from proclaiming it here and elsewhere, in defiance of the loudest clamour that agitators can raise. The remainder of my task is easy. For, if the great principle for which I have been contending is admitted, the objections which have been made to the details of our plan will vanish fast. I will deal with those objections in the order in which they stand in the amendment moved by the honorable member for Finsbury.

First among his objections he places the cost. Surely, Sir, no person who admits that it is our duty to train the minds of the rising generation can think a hundred thousand pounds too large a sum for that purpose. If we look at the matter in the lowest point of view, if we consider human beings merely as producers of wealth, the difference between an intelligent and a stupid population, estimated in pounds, shillings, and pence, exceeds a hundredfold the proposed outlay. Nor is this all. For every pound that you save in education, you will spend five in prose-

cutions, in prisons, in penal settlements. I cannot believe that the House, having never grudged anything that was asked for the purpose of maintaining order and protecting property by means of pain and fear, will begin to be niggardly as soon as it is proposed to effect the same objects by making the people wiser and better.

The next objection made by the honorable member to our plan is that it will increase the influence of the Crown. This sum of a hundred thousand pounds may, he apprehends, be employed in corruption and jobbing. Those schoolmasters who vote for ministerial candidates will obtain a share of the grant: those schoolmasters who vote for opponents of the ministry will apply for assistance in vain. Sir, the honorable member never would have made this objection if he had taken the trouble to understand the minutes which he has condemned. We propose to place this part of the public expenditure under checks which must make such abuses as the honorable member anticipates morally impossible. Not only will there be those ordinary checks which are thought sufficient to prevent the misapplication of the many millions annually granted for the army, the navy, the ordnance, the civil government: not only must the Ministers of the Crown come every year to this House for a vote, and be prepared to render an account of the manner in which they have laid out what had been voted in the preceding year; but, when they have satisfied the House, when they have got their vote, they will still be unable to distribute the money at their discretion. Whatever they may do for any schoolmaster must be done in concert with those persons who, in the district where the schoolmaster lives, take an interest in education, and contribute out of their private means to the expense of education. When the honorable gentleman is afraid that we shall corrupt the schoolmasters, he forgets,

first, that we do not appoint the schoolmasters; secondly, that we cannot dismiss the schoolmasters; thirdly, that managers who are altogether independent of us, can, without our consent, dismiss the schoolmasters; and fourthly, that without the recommendation of these managers we can give nothing to the schoolmasters. Observe, too, that such a recommendation will not be one of those recommendations which goodnatured easy people are too apt to give to everybody who asks; nor will it at all resemble those recommendations which the Secretary of the Treasury is in the habit of receiving. For every pound which we pay on the recommendation of the managers, the managers themselves must pay two pounds. They must also provide the schoolmaster with a house out of their own funds before they can obtain for him a grant from the public funds. What chance of jobbing is there here? It is common enough, no doubt, for a Member of Parliament who votes with Government to ask that one of those who zealously supported him at the last election may have a place in the Excise or the Customs. But such a member would soon cease to solicit if the answer were, "Your friend shall have a place of fifty pounds a year, if you will give him a house and settle on him an income of a hundred a year." What chance then, I again ask, is there of jobbing? What, say some of the dissenters of Leeds, is to prevent a Tory Government, a High Church Government, from using this parliamentary grant to corrupt the schoolmasters of our borough, and to induce them to use all their influence in favour of a Tory and High Church candidate? Why, Sir, the dissenters of Leeds themselves have the power to prevent it. Let them subscribe to the schools: let them take a share in the management of the schools: let them refuse to recommend to the Committee of Council any schoolmaster whom they suspect of

having voted at any election from corrupt motives: and the thing is done. Our plan, in truth, is made up of checks. My only doubt is whether the checks may not be found too numerous and too stringent. On our general conduct there is the ordinary check, the parliamentary check. And, as respects those minute details which it is impossible that this House can investigate, we shall be checked, in every town and in every rural district, by boards consisting of independent men zealous in the cause of education.

The truth is, Sir, that those who clamour most loudly against our plan, have never thought of ascertaining what it is. I see that a gentleman, who ought to have known better, has not been ashamed publicly to tell the world that our plan will cost the nation two millions a year, and will paralyse all the exertions of individuals to educate the people. These two assertions are uttered in one breath. And yet, if he who made them had read our minutes before he railed at them, he would have seen that his predictions are contradictory; that they cannot both be fulfilled; that, if individuals do not exert themselves, the country will have to pay nothing; and that, if the country has to pay two millions, it will be because individuals have exerted themselves with such wonderful, such incredible, vigour, as to raise four millions by voluntary contributions.

The next objection made by the honorable Member for Finsbury is that we have acted unconstitutionally, and have encroached on the functions of Parliament. The Committee of Council he seems to consider as an unlawful assembly. He calls it sometimes a self elected body and sometimes a self appointed body. Sir, these are words without meaning. The Committee is no more a self elected body than the Board of Trade. It is a body appointed by the Queen; and in appointing it Her Majesty has exercised, under the advice of her re-

sponsible Ministers, a prerogative as old as the monarchy. But, says the honorable member, the constitutional course would have been to apply for an Act of Parliament. On what ground? Nothing but an Act of Parliament can legalise that which is illegal. But whoever heard of an Act of Parliament to legalise what was already beyond all dispute legal? Of course, if we wished to send aliens out of the country, or to detain disaffected persons in custody without bringing them to trial, we must obtain an Act of Parliament empowering us to do so. But why should we ask for an Act of Parliament to empower us to do what anybody may do, what the honorable Member for Finsbury may do? Is there any doubt that he or anybody else may subscribe to a school, give a stipend to a monitor, or settle a retiring pension on a preceptor who has done good service? What any of the Queen's subjects may do the Queen may do. Suppose that her privy purse were so large that she could afford to employ a hundred thousand pounds in this beneficent manner; would an Act of Parliament be necessary to enable her to do so? Every part of our plan may lawfully be carried into execution by any person, Sovereign or subject, who has the inclination and the money. We have not the money; and for the money we come, in a strictly constitutional manner, to the House of Commons. The course which we have taken is in conformity with all precedent, as well as with all principle. There are military schools. No Act of Parliament was necessary to authorise the establishing of such schools. All that was necessary was a grant of money to defray the charge. When I was Secretary at War it was my duty to bring under Her Majesty's notice the situation of the female children of her soldiers. Many such children accompanied every regiment, and their education was grievously neglected. Her Majesty was graciously

pleased to sign a warrant by which a girls' school was attached to each corps. No Act of Parliament was necessary. For to set up a school where girls might be taught to read, and write, and sew, and cook, was perfectly legal already. I might have set it up myself, if I had been rich enough. All that I had to ask from Parliament was the money. But I ought to beg pardon for arguing a point so clear.

The next objection to our plans is that they interfere with the religious convictions of Her Majesty's subjects. It has been sometimes insinuated, but it has never been proved, that the Committee of Council has shown undue favour to the Established Church. Sir, I have carefully read and considered the minutes; and I wish that every man who has exerted his eloquence against them had done the same. I say that I have carefully read and considered them, and that they seem to me to have been drawn up with exemplary impartiality. The benefits which we offer we offer to people of all religious persuasions alike. The dissenting managers of schools will have equal authority with the managers who belong to the Church. A boy who goes to meeting will be just as eligible to be a monitor, and will receive just as large a stipend, as if he went to the cathedral. The schoolmaster who is a nonconformist and the schoolmaster who is a conformist will enjoy the same emoluments, and will, after the same term of service, obtain, on the same conditions, the same retiring pension. I wish that some gentleman would, instead of using vague phrases about religious liberty and the rights of conscience, answer this plain question. Suppose that in one of our large towns there are four schools, a school connected with the Church, a school connected with the Independents, a Baptist school, and a Wesleyan school; what encouragement, pecuniary or honorary, will, by our plan, be given to the school connected

with the Church, and withheld from any of the other three schools? Is it not indeed plain that, if by neglect or maladministration the Church school should get into a bad state, while the dissenting schools flourish, the dissenting schools will receive public money and the Church school will receive none?

It is true, I admit, that, in rural districts which are too poor to support more than one school, the religious community to which the majority belongs will have an advantage over other religious communities. But this is not our fault. If we are as impartial as it is possible to be, you surely do not expect more. If there should be a parish containing nine hundred churchmen and a hundred dissenters, if there should, in that parish, be a school connected with the Church, if the dissenters in that parish should be too poor to set up another school, undoubtedly the school connected with the Church will, in that parish, get all that we give; and the dissenters will get nothing. But observe that there is no partiality to the Church, as the Church, in this arrangement. The churchmen get public money, not because they are churchmen, but because they are the majority. The dissenters get nothing, not because they are dissenters, but because they are a small minority. There are districts where the case will be reversed, where there will be dissenting schools, and no Church schools. In such cases the dissenters will get what we have to give, and the churchmen will get nothing.

But, Sir, I ought not to say that a churchman gets nothing by a system which gives a good education to dissenters, or that a dissenter gets nothing by a system which gives a good education to churchmen. We are not, I hope, so much conformists, or so much nonconformists, as to forget that we are Englishmen and Christians. We all, Churchmen, Presbyterians, Independents, Baptists, Methodists,

have an interest in this, that the great body of the people should be rescued from ignorance and barbarism. I mentioned Lord George Gordon's mob. That mob began, it is true, with the Roman Catholics: but, long before the tumults were over, there was not a respectable Protestant in London who was not in fear for his house, for his limbs, for his life, for the lives of those who were dearest to him. The honorable Member for Finsbury says that we call on men to pay for an education from which they derive no benefit. I deny that there is one honest and industrious man in the country who derives no benefit from living among honest and industrious neighbours rather than among rioters and vagabonds. This matter is as much a matter of common concern as the defence of our coast. Suppose that I were to say, "Why do you tax me to fortify Portsmouth? If the people of Portsmouth think that they cannot be safe without bastions and ravelins, let the people of Portsmouth pay the engineers and masons. Why am I to bear the charge of works from which I derive no advantage?" You would answer, and most justly, that there is no man in the island who does not derive advantage from these works whether he resides within them or not. And, as every man, in whatever part of the island he may live, is bound to contribute to the support of those arsenals which are necessary for our common security, so is every man, to whatever sect he may belong, bound to contribute to the support of those schools, on which, not less than on our arsenals, our common security depends.

I now come to the last words of the amendment. The honorable Member for Finsbury is apprehensive that our plan may interfere with the civil rights of Her Majesty's subjects. How a man's civil rights can be prejudiced by his learning to read and write, to multiply and divide, or even by his obtaining some knowledge of history and geography, I do not

very well apprehend. One thing is clear, that persons sunk in that ignorance in which, as we are assured by the Congregational Union, great numbers of our countrymen are sunk, can be free only in name. It is hardly necessary for us to appoint a Select Committee for the purpose of inquiring whether knowledge be the ally or the enemy of liberty. He is, I must say, but a shortsighted friend of the common people who is eager to bestow on them a franchise which would make them all-powerful, and yet would withhold from them that instruction without which their power must be a curse to themselves and to the State.

This, Sir, is my defence. From the clamour of our accusers I appeal with confidence to the country to which we must, in no long time, render an account of our stewardship. I appeal with still more confidence to future generations, which, while enjoying all the blessings of an impartial and efficient system of public instruction, will find it difficult to believe that the authors of that system should have had to struggle with a vehement and pertinacious opposition, and still more difficult to believe that such an opposition was offered in the name of civil and religious freedom.

A SPEECH

DELIVERED AT

THE COLLEGE OF GLASGOW, ON THE 21ST OF MARCH, 1849.

At the election of a Lord Rector of the University of Glasgow, in November, 1848, the votes stood thus :

Mr. Macaulay	-	-	-	255
Colonel Mure	-	-	-	203

The installation took place on the 21st of March, 1849; and after that ceremony had been performed, the following Speech was delivered.

MY first duty, Gentlemen, is to return you my thanks for the honour which you have conferred on me. You well know that it was wholly unsolicited; and I can assure you that it was wholly unexpected. I may add that, if I had been invited to become a candidate for your suffrages, I should respectfully have declined the invitation. My predecessor, whom I am so happy as to be able to call my friend, declared from this place last year, in language which well became him, that he would not have come forward to displace so eminent a statesman as Lord John Russell. I can with equal truth affirm that I would not have come forward to displace so estimable a gentleman and so accomplished a scholar as Colonel Mure. But Colonel Mure felt last year that it was not for him, and I now feel that it is not for me, to

question the propriety of your decision on a point of which, by the constitution of your body, you are the judges. I therefore gratefully accept the office to which I have been called, fully purposing to use whatever powers belong to it with a single view to the welfare and credit of your society.

I am not using a mere phrase of course, when I say that the feelings with which I bear a part in the ceremony of this day are such as I find it difficult to utter in words. I do not think it strange that, when that great master of eloquence, Edmund Burke, stood where I now stand, he faltered and remained mute. Doubtless the multitude of thoughts which rushed into his mind was such as even he could not easily arrange or express. In truth there are few spectacles more striking or affecting than that which a great historical place of education presents on a solemn public day. There is something strangely interesting in the contrast between the venerable antiquity of the body and the fresh and ardent youth of the great majority of the members. Recollections and hopes crowd upon us together. The past and the future are at once brought close to us. Our thoughts wander back to the time when the foundations of this ancient building were laid, and forward to the time when those whom it is our office to guide and to teach will be the guides and teachers of our posterity. On the present occasion we may, with peculiar propriety, give such thoughts their course. For it has chanced that my magistracy has fallen on a great secular epoch. This is the four hundredth year of the existence of your University. At such jubilees, jubilees of which no individual sees more than one, it is natural, and it is good, that a society like this, a society which survives all the transitory parts of which it is composed, a society which has a corporate existence and a perpetual succession, should review its annals, should retrace the

stages of its growth from infancy to maturity, and should try to find, in the experience of generations which have passed away, lessons which may be profitable to generations yet unborn.

The retrospect is full of interest and instruction. Perhaps it may be doubted whether, since the Christian era, there has been any point of time more important to the highest interests of mankind than that at which the existence of your University commenced. It was at the moment of a great destruction and of a great creation. Your society was instituted just before the empire of the East perished; that strange empire which, dragging on a languid life through the great age of darkness, connected together the two great ages of light; that empire which, adding nothing to our stores of knowledge, and producing not one man great in letters, in science, or in art, yet preserved, in the midst of barbarism, those masterpieces of Attic genius which the highest minds still contemplate, and long will contemplate, with admiring despair. And at that very time, while the fanatical Moslem were plundering the churches and palaces of Constantinople, breaking in pieces Grecian sculptures, and giving to the flames piles of Grecian eloquence, a few humble German artisans, who little knew that they were calling into existence a power far mightier than that of the victorious Sultan, were busied in cutting and setting the first types. The University came into existence just in time to witness the disappearance of the last trace of the Roman empire, and to witness the publication of the earliest printed book.

At this conjuncture, a conjuncture of unrivalled interest in the history of letters, a man, never to be mentioned without reverence by every lover of letters, held the highest place in Europe. Our just attachment to that Protestant faith to which our country owes so much must not prevent us from

paying the tribute which, on this occasion, and in this place, justice and gratitude demand, to the founder of the University of Glasgow, the greatest of the restorers of learning, Pope Nicholas the Fifth. He had sprung from the common people; but his abilities and his erudition had early attracted the notice of the great. He had studied much and travelled far. He had visited Britain, which, in wealth and refinement, was to his native Tuscany what the back settlements of America now are to Britain. He had lived with the merchant princes of Florence, those men who first ennobled trade by making trade the ally of philosophy, of eloquence, and of taste. It was he who, under the protection of the munificent and discerning Cosmo, arranged the first public library that modern Europe possessed. From privacy your founder rose to a throne; but on the throne he never forgot the studies which had been his delight in privacy. He was the centre of an illustrious group, composed partly of the last great scholars of Greece, and partly of the first great scholars of Italy, Theodore Gaza and George of Trebizond, Bessarion and Filelfo, Marsilio Ficino and Poggio Bracciolini. By him was founded the Vatican library, then and long after the most precious and the most extensive collection of books in the world. By him were carefully preserved the most valuable intellectual treasures which had been snatched from the wreck of the Byzantine empire. His agents were to be found everywhere, in the bazaars of the farthest East, in the monasteries of the farthest West, purchasing or copying wormeaten parchments, on which were traced words worthy of immortality. Under his patronage were prepared accurate Latin versions of many precious remains of Greek poets and philosophers. But no department of literature owes so much to him as history. By him were introduced to the knowledge of Western Europe two

great and unrivalled models of historical composition, the work of Herodotus and the work of Thucydides. By him, too, our ancestors were first made acquainted with the graceful and lucid simplicity of Xenophon and with the manly good sense of Polybius.

It was while he was occupied with cares like these that his attention was called to the intellectual wants of this region, a region now swarming with population, rich with culture, and resounding with the clang of machinery, a region which now sends forth fleets laden with its admirable fabrics to the lands of which in his days, no geographer had ever heard, then a wild, a poor, a half barbarous tract, lying on the utmost verge of the known world. He gave his sanction to the plan of establishing a University at Glasgow, and bestowed on the new seat of learning all the privileges which belonged to the University of Bologna. I can conceive that a pitying smile passed over his face as he named Bologna and Glasgow together. At Bologna he had long studied. No spot in the world had been more favoured by nature or by art. The surrounding country was a fruitful and sunny country, a country of cornfields and vineyards. In the city, the house of Bentivoglio bore rule, a house which vied with the house of Medici in taste and magnificence, which has left to posterity noble palaces and temples, and which gave a splendid patronage to arts and letters. Glasgow your founder just knew to be a poor, a small, a rude town, a town, as he would have thought, not likely ever to be great and opulent; for the soil, compared with the rich country at the foot of the Apennines, was barren, and the climate was such that an Italian shuddered at the thought of it. But it is not on the fertility of the soil, it is not on the mildness of the atmosphere, that the prosperity of nations chiefly depends. Slavery and superstition can make Campania a land of beggars, and can change the plain of

Enna into a desert. Nor is it beyond the power of human intelligence and energy, developed by civil and spiritual freedom, to turn sterile rocks and pestilential marshes into cities and gardens. Enlightened as your founder was, he little knew that he was himself a chief agent in a great revolution physical and moral, political and religious, in a revolution destined to make the last first and the first last, in a revolution destined to invert the relative positions of Glasgow and Bologna. We cannot, I think, better employ a few minutes than in reviewing the stages of this great change in human affairs.

The review shall be short. Indeed I cannot do better than pass rapidly from century to century. Look at the world, then, a hundred years after the seal of Nicholas had been affixed to the instrument which called your college into existence. We find Europe, we find Scotland especially, in the agonies of that great revolution which we emphatically call the Reformation. The liberal patronage which Nicholas, and men like Nicholas, had given to learning, and of which the establishment of this seat of learning is not the least remarkable instance, had produced an effect which they had never contemplated. Ignorance was the talisman on which their power depended; and that talisman they had themselves broken. They had called in Knowledge as a handmaid to decorate Superstition, and their error produced its natural effect. I need not tell you what a part the votaries of classical learning, and especially the votaries of Greek learning, the Humanists as they were then called, bore in the great movement against spiritual tyranny. They formed, in fact, the vanguard of that movement. Every one of the chief Reformers—I do not at this moment remember a single exception—was a Humanist. Almost every eminent Humanist in the north of Europe was,

according to the measure of his uprightness and courage, a Reformer. In a Scottish University I need hardly mention the names of Knox, of Buchanan, of Melville, of Secretary Maitland. In truth, minds daily nourished with the best literature of Greece and Rome necessarily grew too strong to be trammelled by the cobwebs of the scholastic divinity; and the influence of such minds was now rapidly felt by the whole community; for the invention of printing had brought books within the reach even of yeomen and of artisans. From the Mediterranean to the Frozen Sea, therefore, the public mind was everywhere in a ferment; and nowhere was the ferment greater than in Scotland. It was in the midst of martyrdoms and proscriptions, in the midst of a war between power and truth, that the first century of the existence of your University closed.

Pass another hundred years; and we are in the midst of another revolution. The war between Popery and Protestantism had, in this island, been terminated by the victory of Protestantism. But from that war another war had sprung, the war between Prelacy and Puritanism. The hostile religious sects were allied, intermingled, confounded with hostile political parties. The monarchical element of the constitution was an object of almost exclusive devotion to the Prelatist. The popular element of the constitution was especially dear to the Puritan. At length an appeal was made to the sword. Puritanism triumphed; but Puritanism was already divided against itself. Independency and Republicanism were on one side, Presbyterianism and limited Monarchy on the other. It was in the very darkest part of that dark time, it was in the midst of battles, sieges, and executions, it was when the whole world was still aghast at the awful spectacle of a British King standing before a judgment seat and laying his neck on a block, it was when the

mangled remains of the Duke of Hamilton had just been laid in the tomb of his house, it was when the head of the Marquess of Montrose had just been fixed on the Tolbooth of Edinburgh, that your University completed her second century.

A hundred years more; and we have at length reached the beginning of a happier period. Our civil and religious liberties had indeed been bought with a fearful price. But they had been bought. The price had been paid. The last battle had been fought on British ground. The last black scaffold had been set up on Tower Hill. The evil days were over. A bright and tranquil century, a century of religious toleration, of domestic peace, of temperate freedom, of equal justice, was beginning. That century is now closing. When we compare it with any equally long period in the history of any other great society, we shall find abundant cause for thankfulness to the Giver of all good. Nor is there any place in the whole kingdom better fitted to excite this feeling than the place where we are now assembled. For in the whole kingdom we shall find no district in which the progress of trade, of manufactures, of wealth, and of the arts of life, has been more rapid than in Clydesdale. Your University has partaken largely of the prosperity of this city and of the surrounding region. The security, the tranquillity, the liberty, which had been propitious to the industry of the merchant and of the manufacturer, have been also propitious to the industry of the scholar. To the last century belong most of the names of which you justly boast. The time would fail me if I attempted to do justice to the memory of all the illustrious men who, during that period, taught or learned wisdom within these ancient walls; geometricians, anatomists, jurists, philologists, metaphysicians, poets; Simpson and Hunter, Millar and Young, Reid and Stewart; Campbell, whose coffin was lately borne to

a grave in that renowned transept which contains the dust of Chaucer, of Spenser, and of Dryden; Black, whose discoveries form an era in the history of chemical science; Adam Smith, the greatest of all the masters of political science; James Watt, who, perhaps, did more than any single man has done, since the New Atlantis of Bacon was written, to accomplish that glorious prophecy. We now speak the language of humility when we say that the University of Glasgow need not fear a comparison with the University of Bologna.

A fifth secular period is about to commence. There is no lack of alarmists who will tell you that it is about to commence under evil auspices. But from me you must expect no such gloomy prognostications. I have heard them too long and too constantly to be scared by them. Ever since I began to make observations on the state of my country, I have been seeing nothing but growth, and hearing of nothing but decay. The more I contemplate our noble institutions, the more convinced I am that they are sound at heart, that they have nothing of age but its dignity, and that their strength is still the strength of youth. The hurricane, which has recently overthrown so much that was great and that seemed durable, has only proved their solidity. They still stand, august and immovable, while dynasties and churches are lying in heaps of ruin all around us. I see no reason to doubt that, by the blessing of God on a wise and temperate policy, on a policy of which the principle is to preserve what is good by reforming in time what is evil, our civil institutions may be preserved unimpaired to a late posterity, and that, under the shades of our civil institutions, our academical institutions may long continue to flourish.

I trust, therefore, that, when a hundred years more have run out, this ancient College will still continue to deserve well of our country and of mankind.

I trust that the installation of 1949 will be attended by a still greater assembly of students than I have the happiness now to see before me. That assemblage, indeed, may not meet in the place where we have met. These venerable halls may have disappeared. My successor may speak to your successors in a more stately edifice, in an edifice which, even among the magnificent buildings of the future Glasgow, will still be admired as a fine specimen of the architecture which flourished in the days of the good Queen Victoria. But, though the site and the walls may be new, the spirit of the institution will, I hope, be still the same. My successor will, I hope, be able to boast that the fifth century of the University has even been more glorious than the fourth. He will be able to vindicate that boast by citing a long list of eminent men, great masters of experimental science, of ancient learning, of our native eloquence, ornaments of the senate, the pulpit, and the bar. He will, I hope, mention with high honour some of my young friends who now hear me; and he will, I also hope, be able to add that their talents and learning were not wasted on selfish or ignoble objects, but were employed to promote the physical and moral good of their species, to extend the empire of man over the material world, to defend the cause of civil and religious liberty against tyrants and bigots, and to defend the cause of virtue and order against the enemies of all divine and human laws. I have now given utterance to a part, and to a part only, of the recollections and anticipations of which, on this solemn occasion, my mind is full. I again thank you for the honour which you have bestowed on me; and I assure you that, while I live, I shall never cease to take a deep interest in the welfare and fame of the body with which, by your kindness, I have this day become connected.

A SPEECH

DELIVERED AT

EDINBURGH ON THE 2ND OF NOVEMBER, 1852.

At the General Election of 1852 the votes for the City of Edinburgh stood thus:

Mr. Macaulay - - - -	1872
Mr. Cowan - - - -	1754
The Lord Provost - - - -	1559
Mr. Bruce - - - - -	1066
Mr. Campbell - - - -	686

On the second of November the Electors assembled in the Music Hall to meet the representative whom they had, without any solicitation on his part, placed at the head of the poll. On this occasion the following Speech was delivered.

GENTLEMEN, I thank you from my heart for this kind reception. In truth, it has almost overcome me. Your good opinion and your good will were always very valuable to me, far more valuable than any vulgar object of ambition, far more valuable than any office, however lucrative or dignified. In truth, no office, however lucrative or dignified, would have tempted me to do what I have done at your summons, to leave again the happiest and most tranquil of all retreats for the bustle of political life. But the honour which you have conferred upon me, an honour of which the greatest men might well be proud, an honour which it is in the power only of a free people

to bestow, has laid on me such an obligation that I should have thought it ingratitude, I should have thought it pusillanimity, not to make at least an effort to serve you.

And here, Gentlemen, we meet again in kindness after a long separation. It is more than five years since I last stood in this very place; a large part of human life. There are few of us on whom those five years have not set their mark, few circles from which those five years have not taken away what can never be replaced. Even in this multitude of friendly faces I look in vain for some which would on this day have been lighted up with joy and kindness. I miss one venerable man, who, before I was born, in evil times, in times of oppression and of corruption, had adhered, with almost solitary fidelity, to the cause of freedom, and whom I knew in advanced age, but still in the full vigour of mind and body, enjoying the respect and gratitude of his fellow citizens. I should, indeed, be most ungrateful if I could, on this day, forget Sir James Craig, his public spirit, his judicious counsel, his fatherly kindness to myself. And Jeffrey—with what an effusion of generous affection he would, on this day, have welcomed me back to Edinburgh! He too is gone; but the remembrance of him is one of the many ties which bind me to the city once dear to his heart, and still inseparably associated with his fame.

But, Gentlemen, it is not only here that, on entering again, at your call, a path of life which I believed that I had quitted for ever, I shall be painfully reminded of the changes which the last five years have produced. In Parliament I shall look in vain for virtues which I loved, and for abilities which I admired. Often in debate, and never more than when we discuss those questions of colonial policy which are every day acquiring a new interest, I shall

remember with regret how much eloquence and wit, how much acuteness and knowledge, how many engaging qualities, how many fair hopes, are buried in the grave of poor Charles Buller. There were other men, men with whom I had no political connection and little personal connection, men to whom I was, during a great part of my public life, honestly opposed, but of whom I cannot now think without grieving that their wisdom, their experience, and the weight of their great names can never more, in the hour of need, bring help to the nation or to the throne. Such were those two eminent men whom I left at the height, one of civil, the other of military fame; one the oracle of the House of Commons, the other the oracle of the House of Lords. There were parts of their long public life which they would themselves, I am persuaded, on a calm retrospect, have allowed to be justly censurable. But it is impossible to deny that each in his own department saved the State; that one brought to a triumphant close the most formidable conflict in which this country was ever engaged with a foreign enemy; and that the other, at an immense sacrifice of personal feeling and personal ambition, freed us from an odious monopoly, which could not have existed many years longer without producing fearful intestine discords. I regret them both: but I peculiarly regret him who is associated in my mind with the place to which you have sent me. I shall hardly know the House of Commons without Sir Robert Peel. On the first evening on which I took my seat in that House, more than two and twenty years ago, he held the highest position among the Ministers of the Crown who sate there. During all the subsequent years of my parliamentary service I scarcely remember one important discussion in which he did not bear a part with conspicuous ability. His figure is now before me: all the tones of his voice are in

my ears; and the pain with which I think that I shall never hear them again would be embittered by the recollection of some sharp encounters which took place between us, were it not that at last there was an entire and cordial reconciliation, and that, only a very few days before his death, I had the pleasure of receiving from him marks of kindness and esteem of which I shall always cherish the recollection.

But, Gentlemen, it is not only by those changes which the natural law of mortality produces, it is not only by the successive disappearances of eminent men that the face of the world has been changed during the five years which have elapsed since we met here last. Never since the origin of our race have there been five years more fertile of great events, five years which have left behind them a more awful lesson. We have lived many lives in that time. The revolutions of ages have been compressed into a few months. France, Germany, Hungary, Italy,—what a history has theirs been! When we met here last, there was in all of those countries an outward show of tranquillity; and there were few, even of the wisest among us, who imagined what wild passions, what wild theories, were fermenting under that peaceful exterior. An obstinate resistance to a reasonable reform, a resistance prolonged but for one day beyond the time, gave the signal for the explosion; and in an instant, from the borders of Russia to the Atlantic Ocean, everything was confusion and terror. The streets of the greatest capitals of Europe were piled up with barricades, and were streaming with civil blood. The house of Orleans fled from France: the Pope fled from Rome: the Emperor of Austria was not safe at Vienna. There were popular institutions in Florence; popular institutions at Naples. One democratic convention sat at Berlin; another democratic convention at Frankfort. You remember, I am

sure, but too well, how some of the wisest and most honest friends of liberty, though inclined to look with great indulgence on the excesses inseparable from revolutions, began first to doubt and then to despair of the prospects of mankind. You remember how all sorts of animosity, national, religious, and social, broke forth together. You remember how with the hatred of discontented subjects to their governments was mingled the hatred of race to race and of class to class. For myself, I stood aghast; and though naturally of a sanguine disposition, I did for one moment doubt whether the progress of society was not about to be arrested, nay, to be suddenly and violently turned back; whether we were not doomed to passed in one generation from the civilisation of the nineteenth century to the barbarism of the fifth. I remembered that Adam Smith and Gibbon had told us that the dark ages were gone, never more to return, that modern Europe was in no danger of the fate which had befallen the Roman Empire. That flood, they said, would no more return to cover the earth: and they seemed to reason justly: for they compared the immense strength of the enlightened part of the world with the weakness of the part which remained savage; and they asked whence were to come the Huns and the Vandals who should again destroy civilisation? It had not occurred to them that civilisation itself might engender the barbarians who should destroy it. It had not occurred to them that in the very heart of great capitals, in the neighbourhood of splendid palaces, and churches, and theatres, and libraries, and museums, vice and ignorance might produce a race of Huns fiercer than those who marched under Attila, and of Vandals more bent on destruction than those who followed Genseric. Such was the danger. It passed by. Civilisation was saved; but at what a price! The

tide of popular feeling turned and ebbed almost as fast as it had risen. Imprudent and obstinate opposition to reasonable demands had brought on anarchy; and as soon as men had a near view of anarchy they fled in terror to crouch at the feet of despotism. To the dominion of mobs armed with pikes succeeded the sterner and more lasting dominion of disciplined armies. The Papacy rose from its debasement; rose more intolerant and insolent than before; intolerant and insolent as in the days of Hildebrand; intolerant and insolent to a degree which dismayed and disappointed those who had fondly cherished the hope that the spirit which had animated the Crusaders and the Inquisitors had been mitigated by the lapse of years and by the progress of knowledge. Through all that vast region, where little more than four years ago we looked in vain for any stable authority, we now look in vain for any trace of constitutional freedom. And we, Gentlemen, in the meantime, have been exempt from both those calamities which have wrought ruin all around us. The madness of 1848 did not subvert the British throne. The reaction which followed has not destroyed British liberty.

And why is this? Why has our country, with all the ten plagues raging around her, been a land of Goshen? Everywhere else was the thunder, and the fire running along the ground,—a very grievous storm,—a storm such as there was none like it since man was on the earth; yet everything tranquil here; and then again thick night, darkness that might be felt; and yet light in all our dwellings. We owe this singular happiness, under the blessing of God, to a wise and noble constitution, the work of many generations of great men. Let us profit by experience; and let us be thankful that we profit by the experience of others, and not by our own. Let us prize our constitution: let us purify it: let us amend

it; but let us not destroy it. Let us shun extremes, not only because each extreme is in itself a positive evil, but also because each extreme necessarily engenders its opposite. If we love civil and religious freedom, let us in the day of danger uphold law and order. If we are zealous for law and order, let us prize, as the best safeguard of law and order, civil and religious freedom.

Yes, Gentlemen; if I am asked why we are free with servitude all around us, why our Habeas Corpus Act has not been suspended, why our press is still subject to no censor, why we still have the liberty of association, why our representative institutions still abide in all their strength, I answer, It is because in the year of revolutions we stood firmly by our Government in its peril; and, if I am asked why we stood by our Government in its peril, when men all around us were engaged in pulling Governments down, I answer, It was because we knew that though our Government was not a perfect Government, it was a good Government, that its faults admitted of peaceable and legal remedies, that it had never inflexibly opposed just demands, that we had obtained concessions of inestimable value, not by beating the drum, not by ringing the tocsin, not by tearing up the pavement, not by running to the gunsmiths' shops to search for arms, but by the mere force of reason and public opinion. And, Gentlemen, preeminent among those pacific victories of reason and public opinion, the recollection of which chiefly, I believe, carried us safely through the year of revolutions and through the year of counter-revolutions, I would place two great reforms, inseparably associated, one with the memory of an illustrious man, who is now beyond the reach of envy, the other with the name of another illustrious man, who is still, and, I hope, long will be, a living mark for detraction. I speak of the great

commercial reform of 1846, the work of Sir Robert Peel, and of the great parliamentary reform of 1832, the work of many eminent statesmen, among whom none was more conspicuous than Lord John Russell. I particularly call your attention to those two great reforms, because it will, in my opinion, be the especial duty of that House of Commons in which, by your distinguished favour, I have a seat, to defend the commercial reform of Sir Robert Peel, and to perfect and extend the parliamentary reform of Lord John Russell.

With respect to the commercial reform, though I say it will be a sacred duty to defend it, I do not apprehend that we shall find the task very difficult. Indeed, I doubt whether we have any reason to apprehend a direct attack upon the system now established. From the expressions used during the last session, and during the late elections, by the Ministers and their adherents, I should, I confess, find it utterly impossible to draw any inference whatever. They have contradicted each other; and they have contradicted themselves. Nothing would be easier than to select from their speeches passages which would prove them to be Freetraders, and passages which would prove them to be Protectionists. But, in truth, the only inference which can properly be drawn from a speech of one of these gentlemen in favour of Free Trade is, that, when he spoke, he was standing for a town; and the only inference which can be drawn from the speech of another in favour of Protection is, that, when he spoke, he was standing for a county. I quitted London in the heat of the elections. I left behind me a Tory candidate for Westminster and a Tory candidate for Middlesex, loudly proclaiming themselves Derbyites and Freetraders. All along my journey through Berkshire and Wiltshire I heard nothing but the cry of Derby and Protection; but

when I got to Bristol, the cry was Derby and Free Trade again. On one side of the Wash, Lord Stanley, the Under-Secretary of State for the Foreign Department, a young nobleman of great promise, a young nobleman who appears to me to inherit a large portion of his father's ability and energy, held language which was universally understood to indicate that the Government had altogether abandoned all thought of Protection. Lord Stanley was addressing the inhabitants of a town. Meanwhile, on the other side of the Wash, the Chancellor of the Duchy of Lancaster was haranguing the farmers of Lincolnshire; and, when somebody took it upon him to ask, "What will you do, Mr. Christopher, if Lord Derby abandons Protection?" the Chancellor of the Duchy refused to answer a question so monstrous, so insulting to Lord Derby. "I will stand by Lord Derby," he said, "because I know that Lord Derby will stand by Protection." Well, these opposite declarations of two eminent persons, both likely to know the mind of Lord Derby on the subject, go forth, and are taken up by less distinguished adherents of the party. The Tory candidate for Leicestershire says, "I put faith in Mr. Christopher. while you see Mr. Christopher in the Government, you may be assured that agriculture will be protected." But, in East Surrey, which is really a suburb of London, I find the Tory candidate saying, "Never mind Mr. Christopher. I trust to Lord Stanley. What should Mr. Christopher know on the subject? He is not in the Cabinet: he can tell you nothing about it." Nay, these tactics were carried so far that Tories who had formerly been for Free Trade, turned Protectionists if they stood for counties; and Tories, who had always been furious Protectionists, declared for Free Trade, without scruple or shame, if they stood for large towns. Take for example Lord Maidstone. He was once

one of the most vehement Protectionists in England, and put forth a small volume, which, as I am an elector of Westminster, and as he was a candidate for Westminster, I thought it my duty to buy, in order to understand his opinions. It is entitled Free Trade Hexameters. Of the poetical merits of Lord Maidstone's hexameters I shall not presume to give an opinion. You may all form an opinion for yourselves by ordering copies. They may easily be procured: for I was assured, when I bought mine in Bond Street, that the supply on hand was still considerable. But of the political merits of Lord Maidstone's hexameters I can speak with confidence; and it is impossible to conceive a fiercer attack, according to the measure of the power of the assailant, than that which his lordship made on Sir Robert Peel's policy. On the other hand, Sir Fitzroy Kelly, who is now Solicitor General, and who was Solicitor General under Sir Robert Peel, voted steadily with Sir Robert Peel, doubtless from a regard to the public interest, which would have suffered greatly by the retirement of so able a lawyer from the service of the Crown. Sir Fitzroy did not think it necessary to lay down his office even when Sir Robert Peel brought in the bill which established a free trade in corn. But unfortunately Lord Maidstone becomes a candidate for the City of Westminster, and Sir Fitzroy Kelly stands for an agricultural county. Instantly, therefore, Lord Maidstone forgets his verses, and Sir Fitzroy Kelly forgets his votes. Lord Maidstone declares himself a convert to the opinions of Sir Robert Peel; and Sir Robert Peel's own Solicitor General lifts up his head intrepidly, and makes a speech, apparently composed out of Lord Maidstone's hexameters.

It is, therefore, Gentlemen, utterly impossible for me to pretend to infer, from the language held by the members of the Government and their

adherents, what course they will take on the subject of Protection. Nevertheless I confidently say that the system established by Sir Robert Peel is perfectly safe. The law which repealed the Corn Laws stands now on a much firmer foundation than when it was first passed. We are stronger than ever in reason; and we are stronger than ever in numbers. We are stronger than ever in reason, because what was only prophecy is now history. No person can now question the salutary effect which the repeal of the Corn Laws has had on our trade and industry. We are stronger than ever in numbers. You, I am sure, recollect the time when a formidable opposition to the repeal of the Corn Laws was made by a class which was most deeply interested in that repeal; I mean by the labouring classes. You recollect that, in many large towns, ten years ago, the friends of Free Trade could not venture to call meetings for the purpose of petitioning against the Corn Laws, for fear of being interrupted by a crowd of working people, who had been taught by a certain class of demagogues to say that the question was one in which working people had no interest, that it was purely a capitalist's question, that, if the poor man got a large loaf instead of a small one, he would get from the capitalist only a sixpence instead of a shilling. I never had the slightest faith in those doctrines. Experience even then seemed to me completely to confute them. I compared place with place; and I found that, though bread was dearer in England than in Ohio, wages were higher in Ohio than in England. I compared time with time; and I saw that those times when bread was cheapest in England, within my own memory, were also the times in which the condition of the labouring classes was the happiest. But now the experiment has been tried in a manner which admits of no dispute. I should be glad to know, if there were now an

attempt made to impose a tax on corn, what demagogue would be able to bring a crowd of working men to hold up their hands in favour of such a tax. Thus strong, Gentlemen, in reason, and thus strong in numbers, we need, I believe, apprehend no direct attack on the principles of Free Trade. It will, however, be one of the first duties of your representatives to be vigilant that no indirect attack shall be made on these principles; and to take care that in our financial arrangements no undue favour shall be shown to any class.

With regard to the other question which I have mentioned, the question of Parliamentary Reform, I think that the time is at hand when that question will require the gravest consideration, when it will be necessary to reconsider the Reform Act of 1832, and to amend it temperately and cautiously, but in a large and liberal spirit. I confess that, in my opinion, this revision cannot be made with advantage, except by the Ministers of the Crown. I greatly doubt whether it will be found possible to carry through any plan of improvement if we have not the Government heartily with us; and I must say that from the present Administration I can, as to that matter, expect nothing good. What precisely I am to expect from them I do not know, whether the most obstinate opposition to every change, or the most insanely violent change. If I look to their conduct, I find the gravest reasons for apprehending that they may at one time resist the most just demands, and at another time, from the merest caprice, propose the wildest innovations. And I will tell you why I entertain this opinion. I am sorry that, in doing so, I must mention the name of a gentleman for whom, personally, I have the highest respect; I mean Mr. Walpole, the Secretary of State for the Home Department. My own acquaintance with him is slight; but I know him well by character;

and I believe him to be an honorable, an excellent, an able man. No man is more esteemed in private life: but of his public conduct I must claim the right to speak with freedom; and I do so with the less scruple because he has himself set me an example of that freedom, and because I am really now standing on the defensive. Mr. Walpole lately made a speech to the electors of Midhurst; and in that speech he spoke personally of Lord John Russell as one honorable man should speak of another, and as, I am sure, I wish always to speak of Mr. Walpole. But in Lord John's public conduct Mr. Walpole found many faults. Chief among those faults was this, that his lordship had reopened the question of reform. Mr. Walpole declared himself to be opposed on principle to organic change. He justly said that if, unfortunately, organic change should be necessary, whatever was done ought to be done with much deliberation and with caution almost timorous: and he charged Lord John with having neglected these plain rules of prudence. I was perfectly thunderstruck when I read the speech: for I could not but recollect that the most violent and democratic change that ever was proposed within the memory of the oldest man had been proposed but a few weeks before by this same Mr. Walpole, as the organ of the present Government. Do you remember the history of the Militia Bill? In general, when a great change in our institutions is to be proposed from the Treasury Bench, the Minister announces his intention some weeks before. There is a great attendance: there is the most painful anxiety to know what he is going to recommend. I well remember,—for I was present,—with what breathless suspense six hundred persons waited on the first of March, 1831, to hear Lord John Russell explain the principles of his Reform Bill. But what was his Reform Bill to the Reform Bill of the Derby Ad-

ministration? At the end of a night, in the coolest way possible, without the smallest notice, Mr. Walpole proposed to add to the tail of the Militia Bill a clause to the effect, that every man who had served in the Militia for two years should have a vote for the county. What is the number of those voters who were to be entitled to vote in this way for counties? The militia of England is to consist of eighty thousand men; and the term of service is to be five years. In ten years the number will be one hundred and sixty thousand; in twenty years, three hundred and twenty thousand; and in twenty-five years, four hundred thousand. Some of these new electors will, of course, die off in twenty-five years, though the lives are picked lives, remarkably good lives. What the mortality is likely to be I do not accurately know; but any actuary will easily calculate it for you. I should say, in round numbers, that you will have, when the system has been in operation for a generation, an addition of about three hundred thousand to the county constituent bodies; that is to say, six thousand voters on the average will be added to every county in England and Wales. That is surely an immense addition. And what is the qualification? Why, the first qualification is youth. These electors are not to be above a certain age; but the nearer you can get them to eighteen the better. The second qualification is poverty. The elector is to be a person to whom a shilling a-day is an object. The third qualification is ignorance; for I venture to say that, if you take the trouble to observe the appearance of those young fellows who follow the recruiting sergeant in the streets, you will at once say that, among our labouring classes, they are not the most educated, they are not the most intelligent. That they are brave, stout lads, I fully believe. Lord Hardinge tells me that he never saw a finer set of young men; and I have

not the slightest doubt that, if necessary, after a few weeks' training, they will be found standing up for our firesides against the best disciplined soldiers that the Continent can produce. But these are not the qualifications which fit men to choose legislators. A young man who goes from the ploughtail into the army is generally rather thoughtless and disposed to idleness. Oh! but there is another qualification which I had forgotten: the voter must be five feet two. There is a qualification for you! Only think of measuring a man for the franchise! And this is the work of a Conservative Government, this plan which would swamp all the counties in England with electors who possess the Derby-Walpole qualifications; that is to say, youth, poverty, ignorance, a roving disposition, and five feet two. Why, what right have people who have proposed such a change as this to talk about—I do not say Lord John Russell's imprudence—but the imprudence of Ernest Jones or of any other Chartist? The Chartists, to do them justice, would give the franchise to wealth as well as to poverty, to knowledge as well as to ignorance, to mature age as well as to youth. But to make a qualification compounded of disqualifications is a feat of which the whole glory belongs to our Conservative rulers. This astounding proposition was made, I believe, in a very thin House: but the next day the House was full enough, everybody having come down to know what was going to happen. One asked, why not this? and another, why not that? Are all the regular troops to have the franchise? all the policemen? all the sailors? for, if you give the franchise to ploughboys of twenty-one, what class of honest Englishmen and Scotchmen can you with decency exclude? But up gets the Home Secretary, and informs the House that the plan had not been sufficiently considered, that some of his colleagues were not satisfied, and that he would not

press his proposition. Now, if it had happened to me to propose such a reform at one sitting of the House, and at the next sitting to withdraw it, because it had not been well considered, I do think that, to the end of my life, I never should have talked about the exceeding imprudence of reopening the question of reform; I should never have ventured to read any other man a lecture about the caution with which all plans of organic change ought to be framed. I repeat that, if I am to judge from the language of the present Ministers, taken in connection with this solitary instance of their legislative skill in the way of reform, I am utterly at a loss what to expect. On the whole, what I do expect is that they will offer a pertinacious, vehement, provoking opposition to safe and reasonable change, and that then, in some moment of fear or caprice, they will bring in, and fling on the table, in a fit of desperation or levity, some plan which will loosen the very foundations of society.

For my own part, I think that the question of Parliamentary Reform is one which must soon be taken up; but it ought to be taken up by the Government; and I hope, before long, to see in office a Ministry which will take it up in earnest. I dare say that you will not suspect me of saying so from any interested feeling. In no case whatever shall I again be a member of any Ministry. During what may remain of my public life, I shall be the servant of none but you. I have nothing to ask of any government, except that protection which every government owes to a faithful and loyal subject of the Queen. But I do hope to see in office before long a Ministry which will treat this great question as it should be treated. It will be the duty of that Ministry to revise the distribution of power. It will be the duty of that Ministry to consider whether small constituent bodies, notoriously corrupt, and

proved to be corrupt, such, for example, as Harwich, ought to retain the power of sending members to Parliament. It will be the duty of such a Ministry to consider whether small constituent bodies, even less notoriously corrupt, ought to have, in the counsels of the empire, a share as great as that of the West Riding of York, and twice as great as that of the county of Perth. It will be the duty of such a Ministry to consider whether it may not be possible, without the smallest danger to peace, law, and order, to extend the elective franchise to classes of the community which do not now possess it. As to universal suffrage, on that subject you already know my opinions; and I now come before you with those opinions strengthened by everything which, since I last professed them, has passed in Europe. We now know, by the clearest of all proofs, that universal suffrage, even united with secret voting, is no security against the establishment of arbitrary power. But, gentlemen, I do look forward, and at no very remote period, to an extension of the franchise, such as I once thought unsafe. I believe that such an extension will, by the course of events, be brought about in the very best and happiest way. Perhaps I may be sanguine: but I think that good times are coming for the labouring classes of this country. I do not entertain that hope because I expect that Fourierism, or Saint Simonianism, or Socialism, or any of those other "isms" for which the plain English word is "robbery," will prevail. I know that such schemes only aggravate the misery which they pretend to relieve. I know that it is possible, by legislation, to make the rich poor, but that it is utterly impossible to make the poor rich. But I believe that the progress of experimental science, the free intercourse of nation with nation, the unrestricted influx of commodities from countries where they are cheap, and the unrestricted efflux of

labour towards countries where it is dear, will soon produce, nay, I believe that they are beginning to produce, a great and most blessed social revolution. I need not tell you, gentlemen, that in those colonies which have been planted by our race,—and, when I speak of our colonies, I speak as well of those which have separated from us as of those which still remain united to us,—I need not tell you that in our colonies the condition of the labouring man has long been far more prosperous than in any part of the Old World. And why is this? Some people tell you that the inhabitants of Pennsylvania and New England are better off than the inhabitants of the Old World, because the United States have a republican form of government. But we know that the inhabitants of Pennsylvania and New England were more prosperous than the inhabitants of the Old World when Pennsylvania and New England were as loyal as any part of the dominions of George the First, George the Second, and George the Third; and we know that in Van Diemen's Land, in New Zealand, in Australasia, in New Brunswick, in Canada, the subjects of Her Majesty are as prosperous as they could be under the government of a President. The real cause is that, in these new countries where there is a boundless extent of fertile land, nothing is easier than for the labourer to pass from the place which is overstocked with labour to the place which is understocked; and that thus both he who moves and he who stays always have enough. This it is which keeps up the prosperity of the Atlantic States of the Union. They pour their population back to the Ohio, across the Ohio to the Mississippi, and beyond the Mississippi to the Rocky Mountains. Everywhere the desert is receding before the advancing flood of human life and civilisation; and, in the meantime, those who are left behind enjoy abundance, and never endure such

privations as in old countries too often befall the labouring classes. And why has not the condition of our labourers been equally fortunate? Simply, as I believe, on account of the great distance which separates our country from the new and unoccupied part of the world, and on account of the expense of traversing that distance. Science, however, has abridged, and is abridging, that distance: science has diminished, and is diminishing, that expense. Already New Zealand is, for all practical purposes, nearer to us than New England was to the Puritans who fled thither from the tyranny of Laud. Already the ports of North America, Halifax, Boston, and New York, are nearer to us than, within the memory of persons now living, the Island of Skye and the county of Donegal were to London. Already emigration is beginning to produce the same effect here which it has produced on the Atlantic States of the Union. And do not imagine that our countryman who goes abroad is altogether lost to us. Even if he goes from under the dominion of the British Queen and the protection of the British flag, he will still, under the benignant system of free trade, continue to be bound to us by close ties. If he ceases to be a neighbour, he is still a benefactor and a customer. Go where he may, if you will but maintain that system inviolate, it is for us that he is turning the forests into cornfields on the banks of the Mississippi; it is for us that he is tending his sheep and preparing his fleeces in the heart of Australasia; and in the meantime it is from us that he receives those commodities which are produced with most advantage in old societies, where great masses of capital have been accumulated. His candlesticks and his pots and his pans come from Birmingham; his knives from Sheffield; the light cotton jacket which he wears in summer from Manchester, the good cloth coat which he wears in winter from

Leeds; and in return he sends us back, from what was lately a wilderness, the good flour out of which is made the large loaf which the British labourer divides among his children. I believe that it is in these changes that we shall see the best solution of the question of the franchise. We shall make our institutions more democratic than they are, not by lowering the franchise to the level of the great mass of the community, but by raising, in a time which will be very short when compared with the existence of a nation, the great mass up to the level of the franchise.

I feel that I must stop. I had meant to advert to some other subjects. I had meant to say something about the ballot, to which, as you know, I have always been favourable; something about triennial parliaments, to which, as you know, I have always been honestly opposed; something about your University tests; something about the cry for religious equality which has lately been raised in Ireland; but I feel that I cannot well proceed. I have only strength to thank you again, from the very bottom of my heart, for the great honour which you have done me in choosing me, without solicitation, to represent you in Parliament. I am proud of our connection; and I shall try to act in such a manner that you may not be ashamed of it.

A SPEECH

DELIVERED IN

THE HOUSE OF COMMONS ON THE 1ST OF JUNE, 1853.

On the 1st of June, 1853, Lord Hotham, Member for Kent, moved the third reading of a bill of which the chief object was to make the Master of the Rolls incapable of sitting in the House of Commons. Mr. Henry Drummond, Member for Surrey, moved that the bill should be read a third time that day six months. In support of Mr. Drummond's amendment the following Speech was made.

The amendment was carried by 224 votes to 123.

I CANNOT, Sir, suffer the House to proceed to a division without expressing the very strong opinion which I have formed on this subject. I shall give my vote, with all my heart and soul, for the amendment moved by my honorable friend the Member for Surrey. I never gave a vote in my life with a more entire confidence that I was in the right; and I cannot but think it discreditable to us that a bill for which there is so little to be said, and against which there is so much to be said, should have been permitted to pass through so many stages without a division.

On what grounds, Sir, does the noble lord, the Member for Kent, ask us to make this change in the law? The only ground, surely, on which a Conservative legislator ought ever to propose a change in

the law is this, that the law, as it stands, has produced some evil. Is it then pretended that the law, as it stands, has produced any evil? The noble lord himself tells you that it has produced no evil whatever. Nor can it be said that the experiment has not been fairly tried. This House and the office of Master of the Rolls began to exist, probably in the same generation, certainly in the same century. During six hundred years this House has been open to Masters of the Rolls. Many Masters of the Rolls have sate here, and have taken part, with great ability and authority, in our deliberations. To go no further back than the accession of the House of Hanover, Jekyll was a member of this House, and Strange, and Kenyon, and Pepper Arden, and Sir William Grant, and Sir John Copley, and Sir Charles Pepys, and finally Sir John Romilly. It is not even pretended that any one of these eminent persons was ever, on any single occasion, found to be the worse member of this House for being Master of the Rolls, or the worse Master of the Rolls for being a member of this House. And if so, is it, I ask, the part of a wise statesman, is it, I ask still more emphatically, the part of a Conservative statesman, to alter a system which has lasted six centuries, and which has never once, during all those centuries, produced any but good effects, merely because it is not in harmony with an abstract principle?

And what is the abstract principle for the sake of which we are asked to innovate in reckless defiance of all the teaching of experience? It is this; that political functions ought to be kept distinct from judicial functions. So sacred, it seems, is this principle, that the union of the political and judicial characters ought not to be suffered to continue even in a case in which that union has lasted through many ages without producing the smallest practical inconvenience. "Nothing is so hateful," I quote

the words of the noble lord who brought in this bill, "nothing is so hateful as a political judge."

Now, Sir, if I assent to the principle laid down by the noble lord, I must pronounce his bill the most imbecile, the most pitiful, attempt at reform that ever was made. The noble lord is a homœopathist in state medicine. His remedies are administered in infinitesimal doses. If he will, for a moment, consider how our tribunals are constituted, and how our parliament is constituted, he will perceive that the judicial and political character are, through all grades, everywhere combined, everywhere interwoven, and that therefore the evil which he proposes to remove vanishes, as the mathematicians say, when compared with the immense mass of evil which he leaves behind.

It has been asked, and very sensibly asked, why, if you exclude the Master of the Rolls from the House, you should not also exclude the Recorder of the City of London. I should be very sorry to see the Recorder of the City of London excluded. But I must say that the reasons for excluding him are ten times as strong as the reasons for excluding the Master of the Rolls. For it is well known that political cases of the highest importance have been tried by Recorders of the City of London. But why not exclude all Recorders, and all Chairmen of Quarter Sessions? I venture to say that there are far stronger reasons for excluding a Chairman of Quarter Sessions than for excluding a Master of the Rolls. I long ago attended, during two or three years, the Quarter Sessions of a great county. There I constantly saw in the chair an eminent member of this House. An excellent criminal judge he was. Had he been a veteran lawyer, he could hardly have tried causes more satisfactorily or more expeditiously. But he was a keen politician: he had made a motion which had turned out a Government; and when he

died he was a Cabinet Minister. Yet this gentleman, the head of the Blue interest, as it was called, in his county, might have had to try men of the Orange party for rioting at a contested election. He voted for the corn laws; and he might have had to try men for breaches of the peace which had originated in the discontent caused by the corn laws. He was, as I well remember, hooted, and, I rather think, pelted too, by the mob of London for his conduct towards Queen Caroline; and, when he went down to his county, he might have had to sit in judgment on people for breaking windows which had not been illuminated in honour of Her Majesty's victory. This is not a solitary instance. There are, I dare say, in this House, fifty Chairmen of Quarter Sessions. And this is an union of judicial and political functions against which there is really much to be said. For it is important, not only that the administration of justice should be pure, but that it should be unsuspected. Now I am willing to believe that the administration of justice by the unpaid magistrates in political cases is pure: but unsuspected it certainly is not. It is notorious that, in times of political excitement, the cry of the whole democratic press always is that a poor man, who has been driven by distress to outrage, has far harder measure at the Quarter Sessions than at the Assizes. So loud was this cry in 1819 that Mr. Canning, in one of his most eloquent speeches, pronounced it the most alarming of all the signs of the times. See then how extravagantly, how ludicrously inconsistent your legislation is. You lay down the principle that the union of political functions and judicial functions is a hateful abuse. That abuse you determine to remove. You accordingly leave in this House a crowd of judges who, in troubled times, have to try persons charged with political offences; of judges who have often been accused, truly or falsely, of carrying to the

judgment seat their political sympathies and antipathies: and you shut out of the House a single judge whose duties are of such a nature that it has never once, since the time of Edward the First, been even suspected that he or any of his predecessors has, in the administration of justice, favoured a political ally, or wronged a political opponent.

But even if I were to admit, what I altogether deny, that there is something in the functions of the Master of the Rolls which makes it peculiarly desirable that he should not take any part in politics, I should still vote against this bill, as most inconsistent and inefficient. If you think that he ought to be excluded from political assemblies, why do not you exclude him? You do no such thing. You exclude him from the House of Commons; but you leave the House of Lords open to him. Is not the House of Lords a political assembly? And is it not certain that, during several generations, judges have generally had a great ascendancy in the House of Lords? A hundred years ago a great judge, Lord Hardwicke, possessed an immense influence there. He bequeathed his power to another great judge, Lord Mansfield. When age had impaired the vigour of Lord Mansfield, the authority which he had, during many years, enjoyed, passed to a third judge, Lord Thurlow. Everybody knows what a dominion that eminent judge, Lord Eldon, exercised over the peers, what a share he took in making and unmaking ministries, with what idolatrous veneration he was regarded by one great party in the State, with what dread and aversion he was regarded by the other. When the long reign of Lord Eldon had terminated, other judges, Whig and Tory, appeared at the head of contending factions. Some of us can well remember the first ten days of October, 1831. Who, indeed, that lived through those days can ever forget them? It was the most exciting, the most

alarming political conjuncture of my time. On the morning of the eighth of October the Reform Bill, after a discussion which had lasted through many nights, was rejected by the Lords. God forbid that I should again see such a crisis! I can never hope again to hear such a debate. It was indeed a splendid display of various talents and acquirements. There are, I dare say, some here who, like myself, watched through the last night of that conflict till the late autumnal dawn, sometimes walking up and down the long gallery, sometimes squeezing ourselves in behind the throne, or below the bar, to catch the eloquence of the great orators who, on that great occasion, surpassed themselves. There I saw, in the foremost ranks, confronting each other, two judges, on one side Lord Brougham, Chancellor of the realm, on the other Lord Lyndhurst, Chief Baron of the Exchequer. How eagerly we hung on their words! How eagerly those words were read before noon by hundreds of thousands in the capital, and, within forty-eight hours, by millions in every part of the kingdom! With what a burst of popular fury the decision of the House was received by the nation! The ruins of Nottingham Castle, the ruins of whole streets and squares at Bristol, proved but too well to what a point the public feeling had been wound up. If it be true that nothing is so hateful to the noble lord, the Member for Kent, as a judge who takes part in political contentions, why does he not bring in a bill to prevent judges from entering those lists in which Lord Brougham and Lord Lyndhurst then encountered each other? But no: the noble lord is perfectly willing to leave those lists open to the Master of the Rolls. The noble lord's objection is not to the union of the judicial character and the political character. He is quite willing that anywhere but here judges should be politicians. The Master of the Rolls may be the soul of a great

party, the head of a great party, the favourite tribune of a stormy democracy, the chief spokesman of a haughty aristocracy. He may do all that declamation and sophistry can do to inflame the passions or mislead the judgment of a senate. But it must not be in this room. He must go a hundred and fifty yards hence. He must sit on a red bench, and not on a green one. He must say, "My Lords," and not "Mr. Speaker." He must say, "Content," and not "Aye." And then he may, without at all shocking the noble lord, be the most stirring politician in the kingdom.

But I am understating my case. I am greatly understating it. For, Sir, this union of the judicial character and the political character, in Members of the other House of Parliament, is not a merely accidental union. Not only may judges be made peers; but all the peers are necessarily judges. Surely when the noble lord told us that the union of political functions and of judicial functions was the most hateful of all things, he must have forgotten that, by the fundamental laws of the realm, a political assembly is the supreme court of appeal, the court which finally confirms or annuls the judgments of the courts, both of common law and of equity, at Westminster, of the courts of Scotland, of the courts of Ireland, of this very Master of the Rolls about whom we are debating. Surely, if the noble lord's principle be a sound one, it is not with the Master of the Rolls, but with the House of Peers, that we ought to begin. For, beyond all dispute, it is more important that the court above should be constituted on sound principles than that the court below should be so constituted. If the Master of the Rolls goes wrong, the House of Peers may correct his errors. But who is to correct the errors of the House of Peers? All these considerations the noble lord overlooks. He is quite willing that the peers shall

sit in the morning as judges, shall determine questions affecting the property, the liberty, the character of the Queen's subjects, shall determine those questions in the last resort, shall overrule the decisions of all the other tribunals in the country; and that then, in the afternoon, these same noble persons shall meet as politicians, and shall debate, sometimes rather sharply, sometimes in a style which we dare not imitate for fear that you, Sir, should call us to order, about the Canadian Clergy Reserves, the Irish National Schools, the Disabilities of the Jews, the Government of India. I do not blame the noble lord for not attempting to alter this state of things. We cannot alter it, I know, without taking up the foundations of our constitution. But is it not absurd, while we live under such a constitution, while, throughout our whole system from top to bottom, political functions and judicial functions are combined, to single out, not on any special ground, but merely at random, one judge from a crowd of judges, and to exclude him, not from all political assemblies, but merely from one political assembly? Was there ever such a mummery as the carrying of this bill to the other House will be, if, unfortunately, it should be carried thither. The noble lord, himself, I have no doubt, a magistrate, himself at once a judge and a politician, accompanied by several gentlemen who are at once judges and politicians, will go to the bar of the Lords, who are all at once judges and politicians, will deliver the bill into the hands of the Chancellor, who is at once the chief judge of the realm and a Cabinet Minister, and will return hither proud of having purified the administration of justice from the taint of politics.

No, Sir, no; for the purpose of purifying the administration of justice this bill is utterly impotent. It will be effectual for one purpose, and for one purpose only, for the purpose of weakening and

degrading the House of Commons. This is not the first time that an attempt has been made, under specious pretexts, to lower the character and impair the efficiency of the assembly which represents the great body of the nation. More than a hundred and fifty years ago there was a general cry that the number of placemen in Parliament was too great. No doubt, Sir, the number was too great: the evil required a remedy: but some rash and shortsighted, though probably well meaning, men, proposed a remedy which would have produced far more evil than it would have removed. They inserted in the Act of Settlement a clause providing that no person who held any office under the Crown should sit in this House. The clause was not to take effect till the House of Hanover should come to the throne; and, happily for the country, before the House of Hanover came to the throne, the clause was repealed. Had it not been repealed, the Act of Settlement would have been, not a blessing but a curse to the country. There was no want, indeed, of plausible and popular commonplaces in favour of this clause. No man, it was said, can serve two masters. A courtier cannot be a good guardian of public liberty. A man who derives his subsistence from the taxes cannot be trusted to check the public expenditure. You will never have purity, you will never have economy, till the stewards of the nation are independent of the Crown, and dependent only on their constituents. Yes; all this sounded well: but what man of sense now doubts that the effect of a law excluding all official men from this House would have been to depress that branch of the legislature which springs from the people, and to increase the power and consideration of the hereditary aristocracy? The whole administration would have been in the hands of peers. The chief object of every eminent Commoner would have been to obtain a

peerage. As soon as any man had gained such distinction here by his eloquence and knowledge that he was selected to fill the post of Chancellor of the Exchequer, Secretary of State, or First Lord of the Admiralty, he would instantly have turned his back on what would then indeed have been emphatically the Lower House, and would have gone to that chamber in which alone it would have been possible for him fully to display his abilities and fully to gratify his ambition. Walpole and Pulteney, the first Pitt and the second Pitt, Fox, Windham, Canning, Peel, all the men whose memory is inseparably associated with this House, all the men of whose names we think with pride as we pass through St. Stephen's Hall, the place of their contentions and their triumphs, would, in the vigour and prime of life, have become Barons and Viscounts. The great conflict of parties would have been transferred from the Commons to the Lords. It would have been impossible for an assembly, in which not a single statesman of great fame, authority, and experience in important affairs would have been found, to hold its own against an assembly in which all our eminent politicians and orators would have been collected. All England, all Europe, would have been reading with breathless interest the debates of the peers, and looking with anxiety for the divisions of the peers, while we, instead of discussing high questions of state, and giving a general direction to the whole domestic and foreign policy of the realm, should have been settling the details of canal bills and turnpike bills.

The noble lord, the Member for Kent, does not, it is true, propose so extensive and important a change as that which the authors of the Act of Settlement wished to make. But the tendency of this bill is, beyond all doubt, to make this House less capable than it once was, and less capable than

the other House now is, of discharging some of the most important duties of a legislative assembly.

Of the duties of a legislative assembly, the noble lord, and some of those gentlemen who support his bill, seem to me to have formed a very imperfect notion. They argue as if the only business of the House of Commons was to turn one set of men out of place, and to bring another set into place; as if a judge could find no employment here but factious wrangling. Sir, it is not so. There are extensive and peaceful provinces of parliamentary business far removed from the fields of battle where hostile parties encounter each other. A great jurist, seated among us, might, without taking any prominent part in the strife between the Ministry and the Opposition, render to his country most valuable service, and earn for himself an imperishable name. Nor was there ever a time when the assistance of such a jurist was more needed, or was more likely to be justly appreciated, than at present. No observant man can fail to perceive that there is in the public mind a general, a growing, an earnest, and at the same time, I must say, a most sober and reasonable desire for extensive law reform. I hope and believe that, for some time to come, no year will pass without progress in law reform; and I hold that, of all law reformers, the best is a learned, upright, and large-minded judge. At such a time it is that we are called upon to shut the door of this House against the last great judicial functionary, to whom the unwise legislation of former parliaments has left it open. In the meantime, the other House is open to him. It is open to all the other judges who are not suffered to sit here. It is open to the Judge of the Admiralty Court, whom the noble lord, twelve or thirteen years ago, prevailed on us, in an unlucky hour, to exclude. In the other House is the Lord Chancellor, and several retired Chancellors, a Lord

Chief Justice, and several retired Chief Justices. The Queen may place there to-morrow the Chief Baron, the two Lords Justices, the three Vice Chancellors, the very Master of the Rolls about whom we are debating; and we, as if we were not already too weak for the discharge of our functions, are trying to weaken ourselves still more. I harbour no unfriendly feeling towards the Lords. I anticipate no conflict with them. But it is not fit that we should be unable to bear an equal part with them in the great work of improving and digesting the law. It is not fit that we should be under the necessity of placing implicit confidence in their superior wisdom, and of registering, without amendment, any bill which they may send us. To that humiliating situation we are, I grieve to say, fast approaching. I was much struck by a circumstance which occurred a few days ago. I heard the honorable Member for Montrose, who, by the bye, is one of the supporters of this bill, urge the House to pass the Combination Bill, for a most extraordinary reason. "We really," he said, "cannot tell how the law about combinations of workmen at present stands; and, not knowing how the law at present stands, we are quite incompetent to decide whether it ought to be altered. Let us send the bill up to the Lords. They understand these things. We do not. There are Chancellors, and ex-Chancellors, and Judges among them. No doubt they will do what is proper, and I shall acquiesce in their decision." Why, Sir, did ever any legislative assembly abdicate its functions in so humiliating a manner? Is it not strange that a gentleman, distinguished by his love of popular institutions, and by the jealousy with which he regards the aristocracy, should gravely propose that, on a subject which interests and excites hundreds of thousands of our constituents, we should declare ourselves incompetent to form an

opinion, and beg the Lords to tell us what we ought to do? And is it not stranger still that, while he admits the incompetence of the House to discharge some of its most important functions, and while he attributes that incompetence to the want of judicial assistance, he should yet wish to shut out of the House the only high judicial functionary who is now permitted to come into it.

But, says the honorable Member for Montrose, the Master of the Rolls has duties to perform, which, if properly performed, will leave him no leisure for attendance in this House; it is important that there should be a division of labour: no man can do two things well; and, if we suffer a judge to be a member of Parliament, we shall have both a bad member of Parliament and a bad judge.

Now, Sir, if this argument proves anything, it proves that the Master of the Rolls, and indeed all the other judges, ought to be excluded from the House of Lords as well as from the House of Commons. But I deny that the argument is of any weight. The division of labour has its disadvantages as well as its advantages. In operations merely mechanical, you can hardly carry the subdivision too far; but you may very easily carry it too far in operations which require the exercise of high intellectual powers. It is quite true, as Adam Smith tells us, that a pin will be best made when one man does nothing but cut the wire, when another does nothing but mould the head, when a third does nothing but sharpen the point. But it is not true that Michael Angelo would have been a greater painter if he had not been a sculptor: it is not true that Newton would have been a greater experimental philosopher if he had not been a geometrician: and it is not true that a man will be a worse lawgiver because he is a great judge. I believe that there is as close a connection between

the functions of the judge and the functions of the lawgiver as between anatomy and surgery. Would it not be the height of absurdity to lay down the rule that nobody who dissected the dead should be allowed to operate on the living? The effect of such a division of labour would be that you would have nothing but bungling surgery; and the effect of the division of labour which the honorable Member for Montrose recommends will be that we shall have plenty of bungling legislation. Who can be so well qualified to make laws and to mend laws as a man whose business is to interpret laws and to administer laws. As to this point I have great pleasure in citing an authority to which the honorable Member for Montrose will, I know, be disposed to pay the greatest deference; the authority of Mr. Bentham. Of Mr. Bentham's moral and political speculations, I entertain, I must own, a very mean opinion: but I hold him in high esteem as a jurist. Among all his writings, there is none which I value more than the treatise on Judicial Organization. In that excellent work he discusses the question whether a person who holds a judicial office ought to be permitted to hold with it any other office. Mr. Bentham argues strongly and convincingly against pluralities; but he admits that there is one exception to the general rule. A judge, he says, ought to be allowed to sit in the legislature as a representative of the people: for the best school for a legislator is the judicial bench; and the supply of legislative skill is in all societies so scanty that none of it can be spared.

My honorable friend, the Member for Surrey, has completely refuted another argument to which the noble lord, the Member for Kent, appears to attach considerable importance. The noble lord conceives that no person can enter this House without stooping to practise arts which would ill become the

gravity of the judicial character. He spoke particularly of what he called the jollifications usual at elections. Undoubtedly the festivities at elections are sometimes disgraced by intemperance, and sometimes by buffoonery: and I wish from the bottom of my heart that intemperance and buffoonery were the worst means to which men, reputed upright and honorable in private life, have resorted in order to obtain seats in the legislature. I should, indeed, be sorry if any Master of the Rolls should court the favour of the populace by playing the mountebank on the hustings or on tavern tables. Still more sorry should I be if any Master of the Rolls were to disgrace himself and his office by employing the ministry of the Frails and the Flewkers, by sending vile emissaries with false names, false addresses, and bags of sovereigns, to buy the votes of the poor. No doubt a Master of the Rolls ought to be free, not only from guilt, but from suspicion. I have not hitherto mentioned the present Master of the Rolls. I have not mentioned him because, in my opinion, this question ought to be decided by general and not by personal considerations. I cannot, however, refrain from saying, with a confidence which springs from long and intimate acquaintance, that my valued friend, Sir John Romilly, will never again sit in this House unless he can come in by means very different from those by which he was turned out. But, Sir, are we prepared to say that no person can become a representative of the English people except by some sacrifice of integrity, or at least of personal dignity? If it be so, we had indeed better think of setting our House in order. If it be so, the prospects of our country are dark indeed. How can England retain her place among the nations, if the assembly to which all her dearest interests are confided, the assembly which can, by a single vote, transfer the management of her affairs to new hands, and give a new direction

to her whole policy, foreign and domestic, financial, commercial, and colonial, is closed against every man who has rigid principles and a fine sense of decorum? But it is not so. Did that great judge, Sir William Scott, lower his character by entering this House as Member for the University of Oxford? Did Sir John Copley lower his character by entering this House as Member for the University of Cambridge? But the universities, you say, are constituent bodies of a very peculiar kind. Be it so. Then, by your own admission, there are a few seats in this House which eminent judges have filled and may fill without any unseemly condescension. But it would be most unjust, and in me, especially, most ungrateful, to compliment the universities at the expense of other constituent bodies. I am one of many members who know by experience that a generosity and a delicacy of sentiment which would do honour to any seat of learning may be found among the ten pound householders of our great cities. And, Sir, as to the counties, need we look further than to your chair? It is of as much importance that you should punctiliously preserve your dignity as that the Master of the Rolls should punctiliously preserve his dignity. If you had, at the last election, done anything inconsistent with the integrity, with the gravity, with the suavity of temper which so eminently qualify you to preside over our deliberations, your public usefulness would have been seriously diminished. But the great county which does itself honour by sending you to the House required from you nothing unbecoming your character, and would have felt itself degraded by your degradation. And what reason is there to doubt that other constituent bodies would act as justly and considerately towards a judge distinguished by uprightness and ability as Hampshire has acted towards you?

One very futile argument only remains to be

noticed. It is said that we ought to be consistent; and that, having turned the Judge of the Admiralty out of the House, we ought to send the Master of the Rolls after him. I admit, Sir, that our system is at present very anomalous. But it is better that a system should be anomalous than that it should be uniformly and consistently bad. You have entered on a wrong course. My advice is first that you stop, and secondly that you retrace your steps. The time is not far distant when it will be necessary for us to revise the constitution of this House. On that occasion, it will be part of our duty to reconsider the rule which determines what public functionaries shall be admitted to sit here, and what public functionaries shall be excluded. That rule is, I must say, singularly absurd. It is this, that no person who holds any office created since the twenty-fifth of October, 1705, shall be a member of the House of Commons. Nothing can be more unreasonable or more inconvenient. In 1705, there were two Secretaries of State and two Under Secretaries. Consequently, to this day, only two Secretaries of State and two Under Secretaries can sit among us. Suppose that the Home Secretary and the Colonial Secretary are members of this House, and that the office of Foreign Secretary becomes vacant. In that case, no member of this House, whatever may be his qualifications, his fame in diplomacy, his knowledge of all the politics of the Courts of Europe, can be appointed. Her Majesty must give the Admiralty to the commoner who is, of all her subjects, fittest for the Foreign Office, and the seals of the Foreign Office to some peer who would perhaps be fitter for the Admiralty. Again, the Postmaster General cannot sit in this House. Yet, why not? He always comes in and goes out with the Government: he is often a member of the Cabinet; and I believe that he is, of all public functionaries, the Chancellor of

the Exchequer alone excepted, the one whom it would be most convenient to have here. I earnestly hope that, before long, this whole subject will be taken into serious consideration. As to the judges, the rule which I should wish to see laid down is very simple. I would admit into this House any judge whom the people might elect, unless there were some special reason against admitting him. There is a special reason against admitting any Irish or Scotch judge. Such a judge cannot attend this House without ceasing to attend his court. There is a special reason against admitting the Judges of the Queen's Bench and of the Common Pleas, and the Barons of the Exchequer. They are summoned to the House of Lords; and they sit there: their assistance is absolutely necessary to enable that House to discharge its functions as the highest court of appeal; and it would manifestly be both inconvenient and derogatory to our dignity that members of our body should be at the beck and call of the peers. I see no special reason for excluding the Master of the Rolls; and I would, therefore, leave our door open to him. I would open it to the Judge of the Admiralty, who has been most unwisely excluded. I would open it to other great judicial officers who are now excluded solely because their offices did not exist in 1705, particularly to the two Lords Justices, and the three Vice Chancellors. In this way, we should, I am convinced, greatly facilitate the important and arduous work of law reform; we should raise the character of this House: and I need not say that with the character of this House must rise or fall the estimation in which representative institutions are held throughout the world. But, whether the extensive changes which I have recommended shall be thought desirable or not, I trust that we shall reject the bill of the noble lord. I address myself to the Conservative members on your left hand; and I ask them

whether they are prepared to alter, on grounds purely theoretical, a system which has lasted during twenty generations without producing the smallest practical evil. I turn to the Liberal members on this side; and I ask them whether they are prepared to lower the reputation and to impair the efficieney of that branch of the legislature which springs from the people. For myself, Sir, I hope that I am at once a Liberal and a Conservative politician; and, in both characters, I shall give a clear and conscientious vote in favour of the amendment moved by my honorable friend.

END OF THE THIRD VOLUME.

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